

Re: Whitney's Beverages Shop, Inc.
Premise: 876 State Road
City/Town: North Adams, MA 01247
License: AA Package
Heard: June 5, 2008

DECISION

This was a hearing concerning alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count).

The licensee stipulated to the facts of the investigator's report which stated that an underage operative, working under the supervision of A.B.C.C. investigators, ordered and was served a Bud Light. The youth was not asked for identification.

The licensee has owned the establishment since 1981 and has not had any previous violations. The clerk, who sold the beer, thought that she knew the customer. ID scanners are used at the store.

Based on the evidence, the Alcoholic Beverages Control Commission finds that the licensee violated of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age and, therefore, **issues a warning.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Suzanne Iannella, Commissioner _____

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Robert H. Cronin, Commissioner _____

Dated in Boston, Massachusetts this 5th day of June 2008.

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

CC: Local Licensing Board
Frederick G. Mahony, Chief Investigator
File