

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**F. FUSCO INC. DBA TOWNE LIQUORS**  
**384 WALNUT ST EXT**  
**AGAWAM, MA 01001**  
**LICENSE#: 001200049**  
**VIOLATION DATE: 04/08/2015**  
**HEARD: 05/26/2015**

F. Fusco Inc. dba Towne Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 26, 2015, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Kenny's Report.

The following documents are in evidence:

1. Investigator Kenny's Compliance Check Field Report dated April 8, 2015; and
2. Licensee's Stipulation of Facts.

There is one (1) audio recording of this hearing.

The Commission took Administrative Notice of the Licensee's record.

**FACTS**

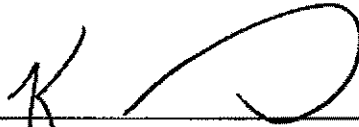
1. On Wednesday, April 8, 2015, at approximately 7:01 p.m., Investigators Teehan and Kenny conducted an investigation of the business operation of F. Fusco Inc. dba Towne Liquors.
2. While on the licensed premises an underage operative working with investigators purchased from the Licensee an alcoholic beverage, a six-pack of Budweiser Light beer. The underage operative was not asked for identification.

CONCLUSION

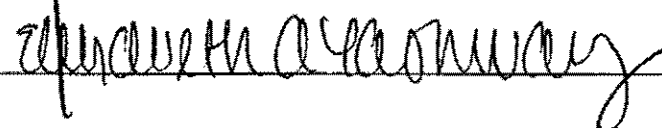
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro, Chairman



Elizabeth Lashway, Commissioner



Dated: May 26, 2015

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 (30) days of receipt of this decision.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
Mark Kenny, Investigator  
Administration  
File