

Re: Fairhaven Beverage Co., Inc.
d.b.a.: Cardoza's Wine & Spirits
Premises: 464 State Road, Route 6
City/Town: Dartmouth, MA02747
License: AA Package
Heard: December 2, 2008

DECISION

A Commission hearing was held to determine whether Fairhaven Beverage Co., Inc. d.b.a. Cardoza's Wine & Spirits violated *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 contained in the investigator's report dated October 1, 2008.

The report states on October 1, 2008 A.B.C.C. Investigator Keefe and Officer Bryan McCarthy of the Westport Police Department observed the business operation of Cardoza's Wine & Spirits. They encountered a young man, d.o.b. 7/29/89 (age 19), exiting the store with a 30-pack of Busch Light, a 30-pack of Coors Light, 4 bottles of PoPow Vodka and 1 bottle of Jack Daniels Whiskey. The young man had used a fake Michigan Identification Card stating he was of legal drinking age.

Administrative review of the file indicates this was the first violation by the licensee.

The Commission finds the licensee violated Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count) and, therefore, **suspends the license for 4 days**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner _____

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

Eddie J. Jenkins, Chairman _____

Dated in Boston, Massachusetts this 9th day of December 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; Stephen V. Miller, Esq.; File