

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

Steven Grossman
Treasurer and Receiver General

Kim J. Guinboro, Esq.
Chairman

DECISION

JAY SHAKTI, INC. DBA SEASIDE WINE & SPIRITS
37 ROCKDALE AVE
NEW BEDFORD, MA 02740
LICENSE#: 077800179
VIOLATION DATE: 05/06/2013
HEARD: 10/15/2013

Jay Shakti, Inc. dba Seaside Wine & Spirits (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, October 15, 2013, 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 Velez's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Velez's Compliance Check Field Report dated May 6, 2013.

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

FACTS

1. On Monday, May 6, 2013, at approximately 5:00 p.m., Investigators Binienda and Velez conducted an investigation of the business operation of Jay Shakti, Inc. dba Seaside Wine & Spirits.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a 6-pack of Budweiser Light beer, for six dollars and twenty-nine cents (\$6.29). The underage operative was not asked for identification.

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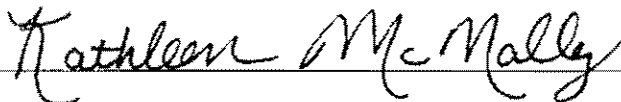
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CONCLUSION

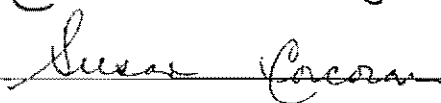
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for three (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

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: October 18, 2013

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
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Administration
File