

Re: Sita Liquors, Inc.
Premise: 17 Central Street
City/Town: Peabody, MA 01960
Heard: December 9, 2008

DECISION

A Commission hearing was held to determine whether Sita Liquors, Inc. (licensee) was in 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. Investigator Caroline Guarino-Wilichoski testified that on October 3, 2008 she was conducting outside surveillance of the licensee's premise when she observed a youthful looking male exit with a 12-pack of Corona. The investigator checked the patron's license and discovered he was underage and had used his brother's license. She stated the brother and patron showed no resemblance and should have been detected by the licensee who scanned the license.

The Commission finds the licensee in 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)* and, therefore, **suspends the licensee's license for 4 days**. After administrative review of the file, the Commission finds that this is the licensee's first offense and holds 2 of the 4 days suspended in abeyance for a period of two years.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Eddie J. Jenkins, Chairman _____

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 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
Arthur M. Pearlman, Esq.
File