

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

Deborah D. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

AL'S PACKAGE STORE INC.
258 UPPER MAIN ST.
EDGARTOWN, MA 02539
LICENSE#: 037200024
VIOLATION DATE: 08/07/2014
HEARD: 05/12/2015

Al's Package Store Inc. (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 12, 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 August 7, 2014; 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 Thursday, August 7, 2014, at approximately 6:31 p.m., Investigators Binienda and Kenny conducted an investigation of the business operation of Al's Package Store Inc.
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, for six dollars and eighty-five cents (\$6.85). The underage operative was not asked for identification.

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CONCLUSION

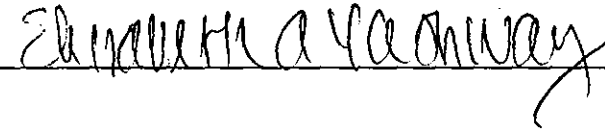
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the licensee has been in business for ten (10) years and has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Elizabeth Lashway, Commissioner



Dated: May 12, 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
Mark Kenny, Investigator
Jamie Binienda, Investigator
Mail to: PO BOX 1312, Edgartown 02539
Administration
File