

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

December 14, 2011

ACTON MARKET, INC.
465 GREAT ROAD
ACTON, MA. 01720
LICENSE#: 000600023
HEARING HELD: 11/ 15/2011

After a hearing on November 15, 2011, the Commission finds Acton Market, Inc. in violation of M.G.L. c.138, §34.

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, January 25, 2012** and **terminate on Thursday, January 26, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 25, 2012 at 9:00 A.M. It will be returned to the licensee Friday, January 27, 2012.

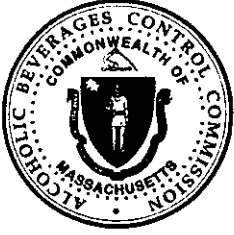
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

ACTON MARKET, INC.
465 GREAT ROAD
ACTON, MA. 01720
LICENSE#: 000600023
HEARING HELD: 11/ 15/2011

Acton Market, Inc. (the "Licensee") holds a Wine and Malt Beverages package store license issued pursuant to Massachusetts General Laws chapter 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 15, 2011, regarding an alleged violation of M.G.L. c. 138, §34: *Sale or Delivery of Alcoholic Beverages to Persons Under Twenty-One (21) years of age*. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's Compliance Check Field Report.

The following documents are in evidence as Exhibits:

Exhibit # 1: Compliance Check Field Report of Investigator Brad Doyle; and
Exhibit # 2: Licensee's Stipulation of Facts.

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

FACTS

1. On July 28, 2011, at approximately 3:00 p.m., Commission Investigators Doyle and Bailey conducted an investigation of the licensed premises operating as a package store, Acton Market, Inc.
2. An underage operative, working under the supervision of Commission Investigators, purchased an alcoholic beverage, a forty (40) ounce bottle of Budweiser beer, for three dollars (\$3.00).
3. This beer was sold to the underage operative by an individual behind the counter, working for the licensee.
4. This individual did not ask the underage operative to produce any identification as proof of age.
5. The underage operative who purchased the alcoholic beverage was eighteen (18) years of age.

6. At the conclusion of the presentation of the evidence, Investigator Doyle conducted an administrative review of the file.
7. He testified before the Commission that the licensee has owned the licensed premises since 2003.
8. Investigator Doyle testified that the licensee has a previous violation which occurred in 2008 for the same offense, M.G.L. c. 138, §34: *Sale or Delivery of Alcoholic Beverages to Persons Under Twenty-One (21) years of age.*
9. The licensee received a three (3) day license suspension, which was suspended for one (1) year, as long as no other violations occurred within one (1) year.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for four (4) days of which two (2) days will be served and two (2) 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

Kathleen McNally, Commissioner

Dated: December 14, 2011

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
Brad Doyle, Investigator
Administration
File