



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

DECISION

**MAPLEROCK INC. D/B/A MCCARTHY'S LIQUORS
430 MAIN STREET
AGAWAM, MA 01001
LICENSE#: 00042-PK-0012
VIOLATION DATE: 5/08/2023
HEARD: 10/31/2023**

Maplerock Inc. d/b/a McCarthy's Liquors ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, October 31, 2023, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigators Gould and Kujawski's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Gould and Kujawski's Minimum Purchase Age Compliance Check Field Report, 5/8/2023;
2. ABCC Form 43, Transfer of License Approval, 6/20/2002;
3. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Monday, May 8, 2023, at approximately 4:59 p.m., Investigators Gould and Kujawski ("Investigators") conducted a compliance check at Maplerock Inc. d/b/a McCarthy's Liquors.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, a 25-ounce can of Bud Light beer, for three dollars and twenty-five cents (\$3.25). The underage operative was not asked for identification.
3. John McCarthy, Licensee, attended the Commission hearing.

4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2002 with no prior violations.

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: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner *Crystal Matthews*

I/We, the undersigned, hereby certify that I/We have reviewed the hearing record.

Jean M. Lorizio, Chairman *Jean M. Lorizio*

Deborah A. Baglio, Commissioner *Deborah A. Baglio*

Dated: December 11, 2023

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.

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2023-000145-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jan Kujawski, Investigator
Brian Gould, Investigator
Administration, File