

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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim F. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**CUMBERLAND FARMS OF MASS, INC. DBA CUMBERLAND FARMS STORE # 6706**  
**109 BROOKSIDE ROAD**  
**ATHOL, MA 01331**  
**LICENSE#: 004800035**  
**VIOLATION DATE: 05/06/2013**  
**HEARD: 10/15/2013**

Cumberland Farms of Mass, Inc. dba Cumberland Farms Store # 6706 (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 Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Temple's Compliance Check Field Report dated May 6, 2013.
  - A. Letter dated October 11, 2013, from Athol Police Department; and
  - B. Licensee's Policies and Procedures (Excerpt) with Tearsheet Signed by Employee.

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

FACTS

1. On Monday, May 6, 2013, at approximately 7:03 p.m., Investigators Doyle and Temple conducted an investigation of the business operation of Cumberland Farms of Mass, Inc. dba Cumberland Farms Store # 6706.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a twenty-four ounce (24 oz.) can of Budweiser Light beer, for two dollars and thirty-four cents (\$2.34). The underage operative was not asked for identification.

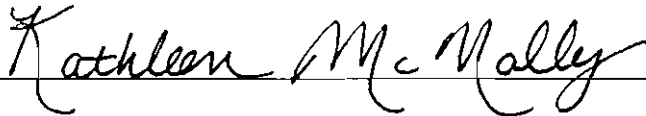
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CONCLUSION

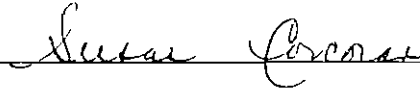
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for three (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  
Christopher Temple, Investigator  
Brad Doyle, Investigator  
Thomas Reidy, Esq. via facsimile 413-256-6469  
Administration  
File