

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

*Steven Grossman*  
*Treasurer and Receiver General*

**DECISION**

*Kim J. Gainsboro, Esq.*  
*Chairman*

**A-1 NIVNIVA CORPORATION DBA A-1 MARKET**  
**85 EAST MAIN STREET**  
**AVON, MA 02322**  
**LICENSE#: 005800009**  
**VIOLATION DATE: 04/03/2013**  
**HEARD: 07/23/2013**

A-1 Nivniva Corporation dba A-1 Market (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, July 23, 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 Hooton's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Hooton's Compliance Check Field Report dated April 3, 2013.

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

FACTS

1. On Wednesday, April 3, 2013, at approximately 6:17 p.m., Investigators Teehan and Hooton conducted an investigation of the business operation of A-1 Nivniva Corporation dba A-1 Market.
2. An underage operative working with investigators purchased an alcoholic beverage, a can of Budweiser Light beer, for one dollar and fifty cents (\$1.50). The underage operative was not asked for identification.

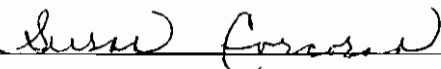
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CONCLUSION

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**

Susan Corcoran, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner 

Dated: July 24, 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  
Tim Hooton, Investigator  
Michael Teehan, Investigator  
Administration  
File