

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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

June 15, 2016

A-1 NIVNIVA CORP. D/B/A A-1 MARKET
85 EAST MAIN STREET
AVON, MA 02322
LICENSE#: 005800009
VIOLATION DATE: 03/24/2016
HEARING DATE: 05/31/2016

After a hearing on May 31, 2016, the Commission finds A-1 Nivniva Corp. d/b/a A-1 Market violated of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.

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.**

The suspension shall commence on Wednesday, August 3, 2016 and terminate on Thursday, August 4, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, August 3, 2016 at 9:00 A.M. It will be returned to the Licensee Friday, August 5, 2016.

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 which must be signed by the Licensee and 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.

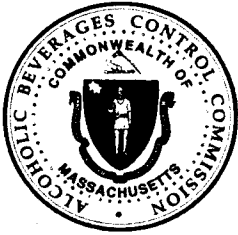
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack Carey, Investigator
Administration, File



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

Deborah B. Goldberg
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DECISION

A-1 NIVNIVA CORP. D/B/A A-1 MARKET
85 EAST MAIN STREET
AVON, MA 02322
LICENSE#: 005800009
VIOLATION DATE: 03/24/2016
HEARING DATE: 05/31/2016

A-1 Nivniva Corp. d/b/a 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, May 31, 2016, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. 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 Carey's Report.

The following documents are in evidence:

1. Investigator Carey's Compliance Check Field Report dated March 24, 2016; 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

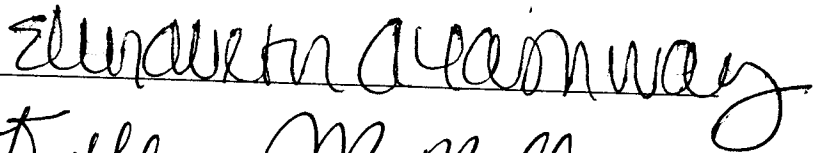
1. On Thursday, March 24, 2016, at approximately 6:41 p.m., Investigator Carey investigated the business operation of A-1 Nivniva Corp. d/b/a A-1 Market.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 24 oz. bottle of Budweiser Light beer, for two dollars and fifty cents (\$2.50). The underage operative was not asked for identification.

CONCLUSION

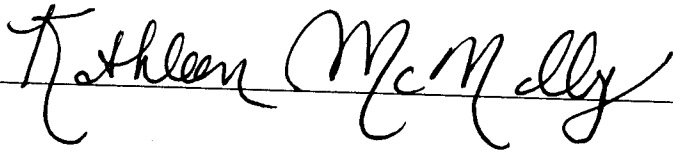
Based on the evidence the Commission finds the Licensee violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for 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

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: June 15, 2016

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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