



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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsterc, Esq.
Chairman

DECISION

THONG VAN PHAM DBA AVON VARIETY
490 WEST MAIN STREET
AVON, MA 02322
LICENSE#: 005800020
HEARD: 11/1/2011

Thong Van Pham dba Avon Variety (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 1, 2011, regarding an alleged violation of M.G.L. c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jack Carey's Compliance Check Field Report.

The following documents are in evidence:

1. Compliance Check Field Report of Investigator Jack Carey; and
2. Licensee's Stipulation of Facts.

There is one (1) tape of this hearing.

FACTS

1. On, August 3, 2011 at approximately 5:55 p.m., Commission Investigators investigated the business operation Thong Van Pham dba Avon Variety.
2. An underage operative, working with the investigators, purchased a twenty-four (24) ounce Budweiser can for two dollars and twenty five cents (\$2.25). The underage operative was not asked for identification.
3. Administrative review of the file indicates the license has no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34. 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 *Susan Corcoran*

Kim S. Gainsboro, Chairman *KS*

Kathleen McNally, Commissioner *Kathleen McNally*

Dated: November 9, 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
Jack Carey, Investigator
Michael Teehan, Investigator
Administration
File