

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

Jean M. Lorizio, Esq.
Chairman

DECISION

**AYER PACKAGE STORE INC. D/B/A AYER PACKAGE STORE
48 MAIN STREET
AYER, MA 01432
LICENSE#: 00011-PK-0060
VIOLATION DATE: 5/12/2022
HEARD: 7/26/2022**

Ayer Package Store Inc. d/b/a Ayer Package Store (“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, July 26, 2022, regarding an alleged violation of M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator David’s Report.

The following documents are in evidence:

1. Investigator David’s Report;
 2. Photograph of Fraudulent Identification Confiscated;
 3. ABCC Form 43 License Renewal Approval, 12/12/1963;
 4. Licensee’s Stipulation of Facts.
- A. Massachusetts Package Store Association Inc.’s Beverage Alcohol Training Certificates for Five (5) Employees.

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

FINDINGS OF FACT

1. On Thursday, May 12, 2022, at approximately 10:55 p.m., Investigators Keefe, Quinn, and David (“Investigators”) inspected Ayer Package Store Inc. d/b/a Ayer Package Store to determine the manner in which its business was being conducted.
2. Investigators observed a youthful appearing individual exit the store in possession of a case of White Claw Hard Seltzer. Investigators approached the individual, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.

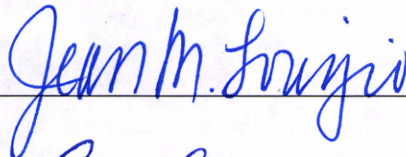
3. Underage #1, actual date of birth 9/24/2001 (age 20), admitted he was under 21 years of age and presented to Investigators a fraudulent Connecticut driver's license in his name but with a different birthdate. He informed Investigators that he used the fraudulent identification to purchase the alcoholic beverages.
4. Investigators entered the licensed premises, informed the clerk on duty of the violation and that a report would be filed with the Chief Investigator for further review.
5. The Licensee has held a license under M.G.L. c. 138, § 15 before 1963 with no prior violations.

CONCLUSION

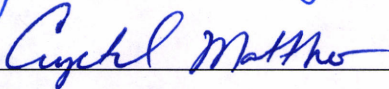
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). As a result, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

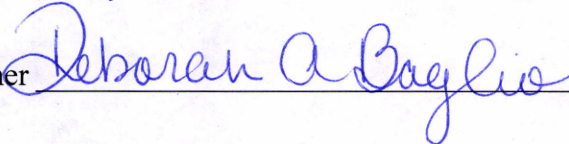
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: September 6, 2022

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
John David, Investigator
Dennis Keefe, Investigator
Katelyn Quinn, Investigator
Roy Pastor, Esq.
Administration, File