



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**DEER HOLLOW CORP. D/B/A BARNSTABLE BOTTLE SHOP
10 SEABOARD LANE
HYANNIS, MA 02601
LICENSE#: 00130-PK-0070
VIOLATION DATE: 7/18/2019
HEARD: 11/12/2019**

Deer Hollow Corp. d/b/a Barnstable Bottle Shop (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, November 12, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by 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 Smith's Report.

The following documents are in evidence:

1. Investigator Smith's Investigative Report;
2. Licensee Stipulation of Facts;
3. Copy of License Transfer Approval 1/3/1995;
4. Copy of Fraudulent Virginia driver's license;

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

FINDINGS OF FACT

1. On Thursday, July 18, 2019, Investigators Temple and Smith ("Investigators") conducted an investigation of the business operation of Deer Hollow Corp. d/b/a Barnstable Bottle Shop to determine the manner in which its business was being conducted.
2. While outside of the licensed premises at approximately 5:05 p.m., Investigators observed a motor vehicle occupied by a youthful appearing male individual enter the parking lot of the premises.
3. Investigators observed the youthful appearing male individual enter the shop empty-handed. At approximately 5:08 p.m., Investigators observed the youthful appearing male

exit the shop in possession of alcoholic beverages which he attempted to put into a cooler in the hatchback of his vehicle.

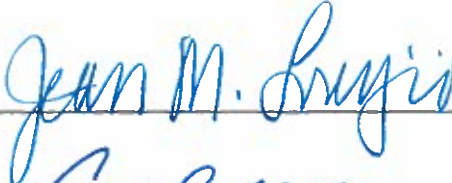
4. Investigators identified themselves and asked to see proof of legal age.
5. Underage #1, actual date of birth 4/27/1999 (age 20), was in possession of one 1.75 liter and one 750-milliliter bottle of Tito's Vodka. He presented to Investigators a fraudulent Virginia driver's license which he used to purchase alcoholic beverages.
6. Investigators entered the licensed premises with the minor and identified him to the clerk on duty, Chris Saaf.
7. Saaf stated that he had asked the Underage #1 for identification. Saaf verified that the identification used was the same fraudulent Virginia driver's license the minor had provided to Investigators.
8. Investigators informed Mr. Saaf of the violation and that a report would be filed with the Chief Investigator for further review.
9. The two principles of the Licensee Corporation appeared and testified that they have since purchased an identification scanner.
10. The Licensee has held a license under M.G.L. c. 138, § 15 since 1995 with no prior violations.
11. As of July 18, 2019, the date of the incident in this matter, the Licensee had never been brought before the Commission to answer any charges of alleged violations. By decision dated November 12, 2019, the Commission found that on June 27, 2019, the Licensee violated M.G.L. c. 138, § 34C – Possession of an alcoholic beverage to a person under twenty-one years of age (1 count) and issued a warning.

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. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (1 count). Therefore, the Commission **suspends the license for a period of one (1) day of which one (1) day 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

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: November 21, 2019

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
Nicole Smith, Investigator
Christopher Temple, Investigator
Administration, File