

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

*Steven Grossman*  
*Treasurer and Receiver General*

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

**DECISION**

**SAM, INC. DBA MINI FOOD MART**  
**252 MAIN STREET**  
**BARNSTABLE, MA 02601**  
**LICENSE#: 007000287**  
**HEARD: 03/22/2011**

Sam Inc. dba Mini Food Mart (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 22, 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 Jamie Binienda's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
  2. Investigator Jamie Binienda's Report dated December 31, 2010; and
  3. Photocopy of Fake South Carolina License Used by Minor.
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- A. Photocopies of Licenses Confiscated by Licensee Previously;
  - B. Copy of Licensee's Wine and Malt License.
  - C. Identification Policy of the Licensed Premises; and
  - D. Beverage Alcohol Training Certificates of Employees.

There is one (1) tape of this hearing.

**FACTS**

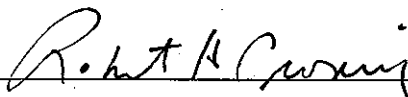
1. On Friday December 31, 2010 at approximately 8:35 p.m., Investigators Carey and Binienda investigated the business operation of Sam Inc. dba Mini Food Mart.
2. The investigators observed a youthful looking male enter the store and then exit the store with alcoholic beverages.
3. The young man, D.O.B: 12/11/1992 (age 18), possessed a thirty (30) pack of Busch Light Beer and a six (6) pack of Smirnoff Ice.
4. The young man said he used a fake South Carolina Drivers license to purchase the alcoholic beverages.
5. Administrative review of the file indicates this was the first violation by the licensee since acquiring the business in June of 2010.

### CONCLUSION

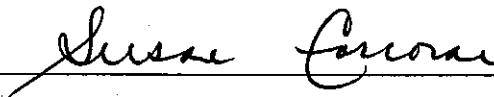
Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34. Therefore, the Commission **suspends the license for five (5) days of which five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Robert H. Cronin, Commissioner



Susan Corcoran, Commissioner



Dated: May 13, 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  
Jamie Binienda, Investigator  
Michael K. Crossen, Esq. via Facsimile  
Administration  
File