

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

March 2, 2012

SAM, INC. DBA MINI FOOD MART
252 MAIN STREET
BARNSTABLE, MA 02601
LICENSE#: 007000287
HEARD 2/21/2012

After a hearing on February 21, 2012, the Commission finds Sam, Inc. dba Mini Food Mart in violation of M.G.L. c. 138 §34 (1 count).

The Commission suspends the licensee's license for a total of ten (10) days. The suspension shall commence on Wednesday, April 18, 2012 and terminate on Friday, April 27, 2012. The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 18, 2012 at 9:00 A.M. It will be returned to the licensee Saturday, April 28, 2012.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

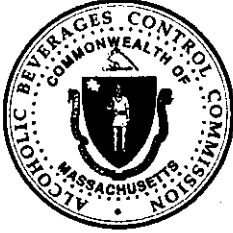
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jamie Binienda, Investigator
Paul R. Tardif, Esq., via facsimile
Administration
File

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

Steven Grossman
Treasurer and Receiver General

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DECISION

SAM, INC. DBA MINI FOOD MART
252 MAIN STREET
BARNSTABLE, MA 02601
LICENSE#: 007000287
HEARD 2/21/2012

Sam, Inc. dba Mini Food Mart (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, February 21, 2012, regarding an alleged violation of M.G.L. c. 138 §34 (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Jamie Binienda's Investigative Report.

The following documents are in evidence:

1. Investigator Binienda's Investigative Report dated December 16, 2011;
2. Licensee's Stipulation of Facts; and
3. Photocopy of Expired Massachusetts Driver's License for D. Hayes.

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

FACTS

1. On Friday, December 16, 2011, at approximately 9:00 p. m., Investigators Kenney and Binienda investigated the business operation of Sam, Inc. dba Mini Food Mart to determine the manner in which their business was conducted.
2. Investigators parked their vehicle outside the licensed premises to make observations.
3. Investigators observed a youthful looking male individual exit a vehicle and enter the licensed premises.
4. Investigators observed the male individual exit the store with alcoholic beverages, specifically a twenty (20) pack of Bud Light Beer.
5. Investigators identified themselves to the male individual and asked to see his identification.
6. The male individual provided a Massachusetts Driver's License bearing the name of Douglas Hayes, of 37 Anthony Drive, Hyannis, MA, date of birth October 4, 1991, twenty (20) years of age.
7. Mr. Hayes stated that he used a Massachusetts Driver's License with the name of Michael Amick, date of birth May 22, 1989, twenty-two (22) years of age.
8. Investigators observed that Michael Amick's Driver's License had expired as of May 22, 2010.

9. Investigators entered the licensed premises and informed the owner, Mr. Asin Jamil, of the violation, and that a report would be submitted to the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §34 (1 count). Therefore, the Commission **suspends the license for a period of eight (8) days with five (5) days to be served and three (3) days to be held in abeyance for a period of three (3) years, provided no further violations of Chapter 138 or Commission Regulations occur.**

By decision dated May 13, 2011, the Commission had previously ordered a five (5) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the licensee violated the conditions of that five (5) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the five (5) day suspension. The licensee will serve a total ten (10) days.

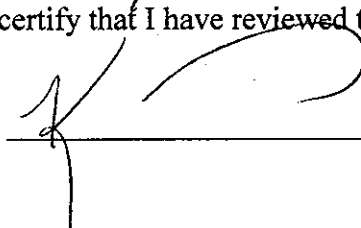
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated: March 2, 2012

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
Paul R. Tardif, Esq., via facsimile
Administration
File