



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

November 22, 2016

SGBSYP LLC D/B/A FIELDS WINE & SPIRITS
116 MECHANIC ST., UNITS 4 & 5
BELLINGHAM, MA 02019
LICENSE#: 008600038
VIOLATION DATE: 05/27/2016
HEARD: 11/15/2016

After a hearing on November 15, 2016, the Commission finds Mashpee Oriental Inc. d/b/a Asia Palace violated C. 138 §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count).

The Commission suspends the license for four (4) days of which three (3) days will be served and one (1) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, January 11, 2017 and terminate on Friday, January 13, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 11, 2017 at 9:00 A.M. It will be returned to the Licensee Saturday, January 14, 2017.

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, which must be signed by the Licensee and a Massachusetts Licensed Accountant.

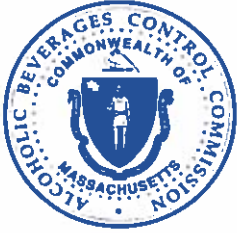
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Christopher Temple, Investigator
Jack Carey, Investigator
Administration, File



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DECISION

SGBSYP LLC D/B/A FIELDS WINE & SPIRITS
116 MECHANIC ST., UNITS 4 & 5
BELLINGHAM, MA 02019
LICENSE#: 008600038
VIOLATION DATE: 05/27/2016
HEARD: 11/15/2016

SGBSYP LLC d/b/a Fields Wine & Spirits (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 15, 2016, regarding an alleged violation of M.G.L. C. 138 §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report dated May 27, 2016; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

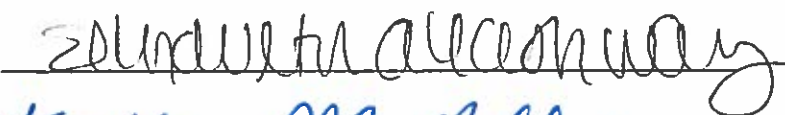
1. On Friday, May 27, 2016, at approximately 7:00 p.m., Investigators Carey, Temple, and Keefe ("Investigators") investigated the business operation SGBSYP LLC d/b/a Fields Wine & Spirits to determine the manner in which their business was being conducted.
2. While outside the licensed premises, Investigators observed a youthful appearing female exit the store in possession of alcoholic beverages.
3. Investigators identified themselves and asked the individual to see proof of legal drinking age.


4. Underage #1, actual date of birth of 08/31/1996 (age 19) was in possession of a 6-pack of Bud Light lime beer and a 6-pack of Twisted Tea. She presented to Investigators a fraudulent out of state license which she had used to purchase the alcoholic beverages.
5. Investigators entered the premises with the underage and identified her to the clerk on duty, Natasha Patel, who stated that she was one of the owners.
6. Ms. Patel stated that she had scanned the license presented by the underage female and it registered as valid.
7. Investigators informed Ms. Patel that the license was not one of the forms of identification upon which she could reasonably rely. Ms. Patel worked with Investigators throughout the remainder of the evening to ensure that no other alcohol was purchased by minors.
8. Investigators informed Ms. Patel of the violation and that a report would be filed with the Chief Investigator for further action.

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: C. 138 §34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 Count). Therefore, the Commission **suspends the license for four (4) days of which three (3) days will be served and one (1) 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

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: November 22, 2016

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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