



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

*Steven Grossman*  
*Treasurer and Receiver General*

**DECISION**

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

**NELSON AGUIAR DBA COUNTRY SIDE PACKAGE STORE**  
**130 MYRICKS STREET**  
**BERKLEY, MA 02779**  
**LICENSE#: 009000012**  
**VIOLATION DATE: 04/23/2013**  
**HEARD: 07/23/2013**

Nelson Aguiar dba Country Side Package Store (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, July 23, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Velez's Compliance Check Field Report dated April 23, 2013;
3. Photo of Underage Operative; and
4. Six-Pack of Beer.

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

FACTS

1. On Tuesday, April 23, 2013, at approximately 4:45 p.m., Investigators Binienda and Velez conducted an investigation of the business operation of Nelson Aguiar dba Country Side Package Store.
2. An underage operative working with investigators purchased an alcoholic beverage, a six-pack of Budweiser Light beer, for seven dollars (\$7.00). The underage operative was not asked for identification.
3. The Licensee has been in business and held the license since 1995.


1767 1769

1

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 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. As the licensee has been in business for over ten (10) years and has had no previous violations, the Commission issues a **WARNING**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner 

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

Kathleen McNally, Commissioner 

Dated: July 24, 2013

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  
Nicholas Velez, Investigator  
Jamie Binienda, Investigator  
Administration  
File