



*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**

**THE COMMON CROSSING CORP. DBA THE COMMON CROSSING**  
**11 NORTH MAIN STREET**  
**BERKELEY, MA 02779**  
**LICENSE # 009000015**  
**HEARD 12/27/2011**

The Common Crossing Corp. dba The Common Crossing (the "Licensee") holds an all alcohol package store license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 27, 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 Compliance Check Field Report.

The following documents are in evidence:

1. Compliance Check Field Report of Jamie Binienda dated August 3, 2011; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Thursday, August 3, 2011, at approximately 5:20 p. m., Investigators Binienda and Kenny investigated the business operation of The Common Crossing Corp. dba The Common Crossing.
2. An underage operative, working with the investigators, purchased a six (6) pack of Bud Light for seven dollars and fifty cent (\$7.50). The underage operative was not asked for identification.
3. The underage operative who purchased the alcoholic beverage was 16 years of age, with a date of birth June 23, 1995.
4. Licensee has held the license since 2004, and has no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §34. Therefore, the Commission **suspends the license for three (3) days which 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**

Kathleen McNally, Commissioner *Kathleen McNally*

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

Kim S. Gainsboro, Chairman *KS*

Dated: January 3, 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  
✓ Administration  
File