

*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**

**BERLIN LIQUORS, LLC DBA BERLIN LIQUORS**  
**64 RIVER RD.**  
**BERLIN, MA 01503**  
**LICENSE#: 009400004**  
**VIOLATION DATE: 05/20/2013**  
**HEARD: 10/22/2013**

Berlin Liquors, LLC dba Berlin Liquors (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, October 22, 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 Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Temple's Compliance Check Field Report dated May 20, 2013.

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

**FACTS**


1. On Monday, May 20, 2013, at approximately 7:03 p.m., Investigators Doyle and Temple conducted an investigation of the business operation of Berlin Liquors, LLC dba Berlin Liquors.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a sixteen ounce (16 oz.) container of Budweiser Light beer for one dollar and fifty-eight cents (\$1.58). The underage operative was not asked for identification.

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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. Therefore, the Commission **suspends the license for three (3) days of which three (3) 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**

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: October 25, 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  
Christopher Temple, Investigator  
Brad Doyle, Investigator  
Administration  
File