



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150*

Jean M. Lorizio, Esq.
Chairman

DECISION

**DAIGNEAULT'S LIQUOR INC. D/B/A DAIGNEAULT'S LIQUORS OF BERLIN
264 WEST STREET
BERLIN, MA 01503
LICENSE#: 0094-00005
VIOLATION DATE: 7/17/2019
HEARD: 10/01/2019**

Daigneault's Liquor Inc. d/b/a Daigneault's Liquors of Berlin (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, October 1, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.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 facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Compliance Check Field Report;
2. Licensee Stipulation of Fact;
3. Copy of Application Approved 6/27/2012.

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

FACTS

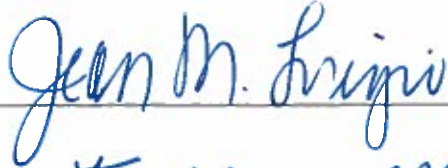
1. On Wednesday, July 17, 2019, at approximately 6:30 p.m., Investigators Kujawski and Di Cicco ("Investigators") investigated the business of Daigneault's Liquor Inc. d/b/a Daigneault's Liquors of Berlin.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 12-pack of Budweiser beer. The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 2012 with no prior violations.

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: M.G.L. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.. The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: October 10, 2019

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Joseph Di Cicco, Investigator
Jan Kujawski, Investigator
Richard Frias, Esq.
Administration, File