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Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

**CHRISPY'S LIQUORS & LOTTERY, INC. D/B/A CHRISPY'S LIQUOR & LOTTERY
335 RANTOUL ST
BEVERLY, MA 01915
LICENSE#: 0100-00046
VIOLATION DATE: 07/17/2017
HEARING DATE: 10/31/2017**

Chrispy's Liquors & Lottery, Inc. d/b/a Chrispy's Liquor & Lottery (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, October 31, 2017, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. 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 Wilichoski's Report.

The following documents are in evidence:

1. Investigator Wilichoski's Compliance Check Field Report; 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 Monday, July 17, 2017, at approximately 8:05 p.m., Investigators Di Cicco and Guarino-Wilichoski ("Investigators") investigated the business operation Chrispy's Liquors & Lottery, Inc. d/b/a Chrispy's Liquor & Lottery.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 6-pack of Bud Light beer for seven dollars and twenty-nine cents (\$7.29). The underage operative was not asked for identification.

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. 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 more than 20 years and its only prior violation occurred more than 10 years ago, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: November 1, 2017

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
Joseph Di Cicco, Investigator
Caroline Guarino-Wilichoski, Investigator
Administration, File