



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

DECISION

MASCOT, INC. D/B/A SUNOCO APLUS
131 BRIMBAL AVENUE
BEVERLY, MA 01915
LICENSE#: 010000091
VIOLATION DATE: 08/17/2016
HEARING DATE: 12/20/2016

Mascot, Inc. d/b/a Sunoco Aplus (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, December 20, 2016, 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 Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Compliance Check Field Report dated August 17, 2016; and
2. Licensee's Stipulation of Facts.
 - A. Screenshot of Cash Register Entry Requiring Date of Birth;
 - B. Age Restricted Sales / Identification Policy; and
 - C. Employee Statement of Understanding for Sale of Alcoholic Beverages and Tobacco Products.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Wednesday, August 17, 2016, at approximately 6:51 p.m., Investigators Doyle and Bailey ("Investigators") investigated the business operation of Mascot, Inc. d/b/a Sunoco Aplus.

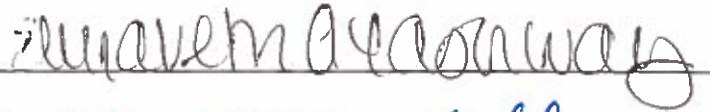
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a twenty- four ounce (24 oz) can of Budweiser Light beer for two dollars and thirty cents (\$2.30). The underage operative was not asked for identification.

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 10 years with no prior violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: December 20, 2016

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
Brad Doyle, Investigator
Rose Bailey, Investigator
Administration, File