

*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

DECISION

**842 BEACON STREET LIQUORS LLC D/B/A SHIPPY'S WINE & SPIRITS
842 BEACON STREET
BOSTON, MA 02215
LICENSE#: 89123-PK-0116
VIOLATION DATE: 9/19/2019
HEARD: 1/21/2020**

842 Beacon Street Liquors LLC d/b/a Shippy's Wine & Spirits (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, January 21, 2020, 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 years of age. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Kenny's Report.

The following documents are in evidence:

1. Investigator Kenny's Investigative Report;
2. Licensee Stipulation of Facts;
3. Photocopy of Fraudulent Illinois Driver's License;
4. License Application Summary Review Approval, 8/15/2017.

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

FINDINGS OF FACT

1. On Thursday, September 19, 2019, Investigators Teehan and Kenny ("Investigators") conducted an investigation of the business operation of 842 Beacon Street Liquors LLC d/b/a Shippy's Wine & Spirits to determine the manner in which its business was being conducted.
2. At approximately 7:50 p.m., Investigators observed a youthful looking male individual enter the establishment. Approximately 5 minutes later, Investigators observed this same individual exit the establishment in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.

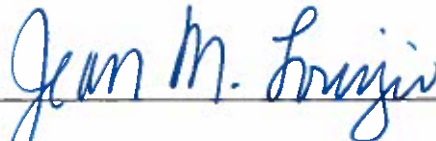
3. Underage #1, actual date of birth 6/10/2001 (age 18), was in possession of a 30-pack of Bud Light beer. He presented to Investigators a fraudulent Illinois driver's license that he had used to purchase the alcohol.
4. Investigators entered the licensed premises and spoke with the clerk on duty. She admitted accepting the Illinois driver's license as proof of age.
5. Investigators informed the clerk of the violation, and that a report would be filed with the Chief Investigator for review.
6. At the Commission hearing, the Licensee testified that he has purchased a more advanced identification scanner which covers all 50 states, and he has also hired a full-time staff person.
7. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2017 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 years of age. The Commission **issues a WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: January 24, 2020

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
Mark Kenny, Investigator
Michael Teehan, Investigator
Administration, File