



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

NOTICE OF SUSPENSION

December 8, 2015

BROOKLINE LIQUOR MART, INC.
1354 COMMONWEALTH AVE.
BOSTON, MA 02134
LICENSE#: 011600939
VIOLATION DATE: 09/03/2015
HEARD: 12/08/2015

After a hearing on December 8, 2015, the Commission finds Brookline Liquor Mart, Inc. violated M.G.L. c. 138, §34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.

The Commission suspends the license for four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, January 27, 2016, and terminate on Thursday, January 28, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 27, 2016 at 9:00 A.M. It will be returned to the Licensee Friday, January 29, 2016.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form, which must be signed by the Licensee and a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino-Wilichoski, Investigator
Dennis Keefe, Investigator
Michael Teehan, Investigator
Albert A. DeNapoli, Esq. via facsimile 617-261-7673
Administration
File



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

Deborah B. Goldberg
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DECISION

BROOKLINE LIQUOR MART, INC.
1354 COMMONWEALTH AVE.
BOSTON, MA 02134
LICENSE#: 011600939
VIOLATION DATE: 09/03/2015
HEARD: 12/08/2015

Brookline Liquor Mart, Inc. (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 8, 2015, regarding an alleged violation of 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 Report dated September 3, 2015; 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 file.

FACTS

1. On Thursday, September 3, 2015, at approximately 7:45 p.m., Investigators Keefe, Teehan, and Wilichoski ("Investigators") conducted an investigation of the business operation of Brookline Liquor Mart, Inc. to determine the manner in which the business was being conducted.
2. Investigators conducted surveillance outside the licensed premises and observed two youthful appearing males walking in the parking lot towards the entrance door of this establishment. One male entered the store and the other male waited outside it.

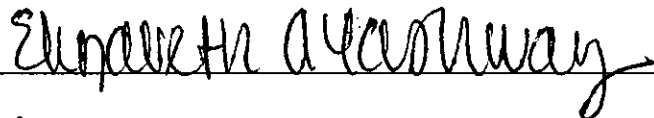
3. Approximately five (5) minutes later, Investigators observed the youthful appearing male exit the establishment with two 12-packs of Corona beer, and hand one 12-pack of Corona to his waiting companion.
4. Investigators approached the youthful looking males and asked for proof of age.
5. Underage #1, actual date of birth 11/20/1995 (age 19) supplied Investigators with a counterfeit Illinois driver's license. Underage #1 stated he had used this identification to purchase the alcoholic beverages.
6. Underage #2, actual date of birth 2/05/1996 (age 18) admitted immediately that he was under 21 years of age.
7. Investigators identified the minor to the clerk on duty, Nina McGrane, who admitted that she accepted the Illinois driver's license. Ms. McGrane stated that she has worked at this establishment for 20 years.
8. Investigators informed Ms. McGrane, of the above violation and that a report would be filed with the Chief Investigator for review.

CONCLUSION

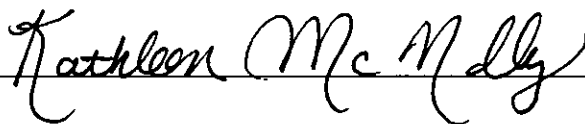
Based on the evidence, the Commission finds the Licensee violated M.G.L c. 138, §34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for four (4) days of which two (2) days will be served and two (2) days will be 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

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: December 8, 2015

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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