



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

February 11, 2015

MARY CLIPPER SHIP, INC. DBA CLIPPERSHIP LIQUORS
17 MAVERICK SQ.
BOSTON, MA 02128
LICENSE#: 011600999
VIOLATION DATE: 11/21/2013
HEARD: 12/2/2014

After a hearing on December 2, 2014, the Commission finds Mary Clipper Ship Inc. dba Clippership Liquors in violations of:

- 1) 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c.138, §23 - Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A; and
- 2) 204 CMR 2.05(2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 94, §186 - Falling below the standard of purity.

The Commission suspends the licensee's license for a total of one (1) day to be served. The suspension shall commence on Wednesday, April 1, 2015, and terminate on Wednesday, April 1, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 1, 2015 at 9:00 A.M. It will be returned to the licensee on Thursday, April 2, 2015.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Mark Kenny, Tara Kelleher – Investigators
Matthew Fogelman, Esq. via facsimile 617-505-1540
Administration, File



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

MARY CLIPPER SHIP, INC. DBA CLIPPERSHIP LIQUORS
17 MAVERICK SQ.
BOSTON, MA 02128
LICENSE#: 011600999
VIOLATION DATE: 11/21/2013
HEARD: 12/2/2014

Mary Clipper Ship, Inc. dba Clippership Liquors (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 2, 2014, regarding the alleged violation of:

- 1) 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c.138, §23 - Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A; and
- 2) 204 CMR 2.05(2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 94, §186 - Falling below the standard of purity.

The above captioned occurred on November 21, 2013, according to Investigator Kelleher's Report.

The following documents are in evidence:

1. Investigator Kelleher's Investigative Report dated November 21, 2013;
2. A Bottle of Alcohol containing a Cobra;
3. MA State Police Toxicology Report dated July 30, 2014; and
4. Photo of Bar.

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

FACTS

1. On Thursday, November 21, 2013, at approximately 7:00 p.m., Investigators Kenny, Velez, and Kelleher investigated the business operation of Mary Clipper Ship, Inc. dba Clippership Liquors to determine the manner in which their business was being conducted.
2. Investigators observed the main window of the establishment and saw a shelf with various bottles of alcoholic beverages exposed for sale. They observed on this shelf a bottle of liquid containing a cobra snake holding a snake in its mouth.
3. Investigators entered the licensed premises and identified themselves to the clerk on duty. The clerk directed investigators to Tirso Gonzalez, the manager on duty.
4. Upon questioning, Mr. Gonzalez stated to investigators that the bottle with the cobra was rice wine from Vietnam.
5. Investigators confiscated the bottle with the cobra as evidence.

6. Investigators informed Mr. Gonzalez of the violation and that a report would be filed with the Chief Investigator for review.
7. The Massachusetts State Police toxicology report identified the liquid in the bottle as ethanol alcohol.

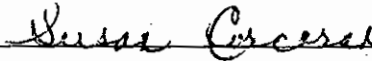
CONCLUSION

Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c.138, §23 - Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A; and
- 2) 204 CMR 2.05(2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 94, §186 - Falling below the standard of purity. Therefore, the Commission **suspends the license for four (4) days of which one (1) day will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

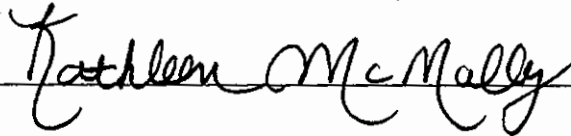
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner



Dated: February 11, 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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Mark Kenny, Investigator
Tara Kelleher, Investigator
Matthew Fogelman, Esq. via facsimile 617-505-1540
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