



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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

January 9, 2013

SAE ENTERPRISES, INC DBA MISSION HILL LIQUORS
1623 TREMONT STREET
BOSTON, MA 02120
LICENSE#: 011601046
VIOLATION DATE: 10/04/2012
HEARD: 1/08/2013

After a hearing on January 8, 2013, the Commission finds SAE Enterprises, Inc. dba Mission Hill Liquors in violation of c.138, §34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count).

The Commission **suspends the licensee's license for a total of ten (10) days to be served. The suspension shall commence on Wednesday, February 27, 2013 and terminate on Friday, March 8, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 27, 2013 at 9:00 A.M. It will be returned to the licensee **Saturday, March 9, 2013.**

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
Mark Kenny, Investigator
Administration
File

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The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

Kim J. Gainsboro, Esq.
Chairman

SAE ENTERPRISES, INC DBA MISSION HILL LIQUORS
1623 TREMONT STREET
BOSTON, MA 02120
LICENSE#: 011601046
VIOLATION DATE: 10/04/2012
HEARD: 1/08/2013

SAE Enterprises, Inc. dba Mission Hill Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, January 8, 2013, regarding an alleged violation of c.138, §34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kenny's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Kenny's Investigative Report dated October 4, 2012.

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

FACTS

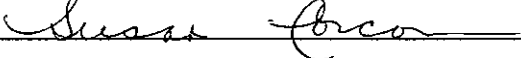
1. On Thursday, October 04, 2012, at approximately 10:30 p.m., Chief Investigator Mahony and Investigator Kenny investigated the business operation of SAE Enterprises, Inc. dba Mission Hill Liquors to determine the manner in which their business was being conducted.
2. Investigators observed a youthful looking individual, carrying alcoholic beverages, exit the premises.
3. Investigators observed the youthful individual place the alcohol into a vehicle with another individual.
4. The alcoholic beverages were later identified as:
 - o Thirty (30) pack of Miller Lite beer;
 - o Six (6) pack of Magic Hat beer;
 - o Six (6) pack of Shipyard beer; and
 - o One (1) 1.75 milliliter bottle of Johnny Walker whiskey.
5. Investigators approached the individuals and asked to see identification.
6. One male individual was identified as Bryan Buckingham, date of birth [REDACTED] age twenty (20) years.
7. The other male individual was identified as Kevin Esposito, date of birth [REDACTED] age twenty (20) years.

7. The other male individual was identified as Kevin Esposito, date of birth [REDACTED] age twenty (20) years.
8. Mr. Esposito was in possession of a Connecticut Driver's License with an expiration date of April 10, 2012.
9. Investigators observed that individual on the license did not resemble the person before them.
10. Mr. Esposito stated that he showed the expired Connecticut Driver's License to the clerk when he purchased the alcoholic beverages.
11. Investigators spoke with the clerk on duty, Chris Chung, who stated that he sold the alcoholic beverages to Mr. Esposito.
12. Investigators informed Mr. Chung of the violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated c.138, §34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Therefore, the Commission **suspends the license for fifteen (15) days of which ten (10) days will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. No offer in compromise will be considered for this penalty.**

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 P. McNally, Commissioner _____ 

DATE: January 9, 2013

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
Mark Kenny, Investigator
Administration
File