

Re: **Stony Brook Wine and Spirit, Inc.**
Premises: **80 Boylston Street**
City/Town: **Boston, MA 02130**
License #: **011600905**
Heard: **September 28, 2010**

DECISION

Stony Brook Wine and Spirit, Inc. (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c.138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on September 28, 2010 regarding an alleged violation of M.G.L. c.138, §34 (2 Counts). Prior to the commencement of the hearing, the licensee stipulated to the facts detailed in Investigator Dennis Keefe's report regarding the violations that occurred on August 13, 2010.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Report of Dennis Keefe.

There is one (1) tape of this hearing.

Facts

1. On, August 13, 2010 at approximately 10:05 p.m., Commission Investigators Dennis Keefe, Paul Capurso, and Brad Doyle investigated the business operation of Stony Brook Wine and Spirit, Inc.
2. The Investigators observed a young male exit the store with a 40-ounce Budweiser bottle.
3. The Investigators identified the individual and determined that he was twenty (20) years old.
4. The individual stated that the clerk did not ask him for his identification. The investigators, along with the individual entered the licensed premises and spoke with the clerk.
5. The clerk was identified as James Stamatatos, the owner's nephew. The clerk admitted that he did not ask for identification because he thought the individual was twenty-one (21) years of age.
6. When the investigators asked the clerk for identification, he responded that he did not have any identification because he was fifteen (15) years old.

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §34 (two counts). The Commission **suspends the license for six (6) days of which six (6) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the Licensee and all of his employees must get Tips Certified for selling alcoholic beverages from a person under eighteen (18) years old.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____

Susan Corcoran, Commissioner _____

Robert Cronin, Commissioner _____

Dated in Boston, Massachusetts this 6th day of October 2010.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
File