

**Jean M. Lorizio, Esq.**  
*Chairman*

*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
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## **DECISION**

**SUPER TARGET LIQUOR OF MASSACHUSETTS INC. D/B/A TARGET  
1345 BOYLSTON STREET  
BOSTON, MA 02215  
LICENSE#: 011602091  
VIOLATION DATE: 12/19/2016  
HEARD: 05/23/2017**

Super Target Liquor of Massachusetts Inc. d/b/a Target (the "Licensee" or "Target") 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, May 23, 2017, regarding an alleged violation of 204 CMR 2.04 (1) No holder of a license issued under M.G.L. c. 138, § 15 shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost. Cost is defined as net cost appearing on the invoice for said alcoholic beverages. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Velez's report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report;
2. Photo of Founders All Day India Pale Ale 15-pack for sale \$11.99;
3. Craft Brewers Guild Invoice to Licensee;
4. Photo of Founders All Day India Pale Ale 15-pack for sale \$17.99; and
5. Licensee's Stipulation of Facts.

A. Email from P. Di Carlo

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

The Commission took Administrative Notice of the Licensee's record.

## **FINDINGS OF FACT**

1. The Investigation and Enforcement Division of the Alcoholic Beverages Control Commission received a complaint on Thursday, December 15, 2016, which alleged that Super Target Liquor of Massachusetts Inc. d/b/a Target offered for sale a 15-pack of Founders All Day IPA at below cost. The complaint included a photograph of the product for sale at \$11.99.
2. On Monday, December 19, 2016, at approximately 2:30, Investigators Temple and Velez ("Investigators") investigated the business operation of Super Target Liquor of Massachusetts Inc. d/b/a Target to determine the manner in which their business was being conducted, and to investigate a complaint filed with this Commission.

3. Investigators spoke to Scott Hurley, the Liquor Team Lead, regarding the filed complaint. Investigators showed Mr. Hurley the photograph provided in the complaint and asked him if the Founders All Day India Pale Ale 15-pack was advertised for \$11.99. Hurley stated the product was advertised and sold for \$11.99. This price was posted for approximately 12 – 24 hours.
4. Mr. Hurley provided Investigators with an invoice from Craft Brewers Guild to Target. The invoice indicated the cost for Founders All Day pkg 15/12c was \$14.25.
5. Investigators later spoke to the liquor manager, Don Aldridge. Investigators informed Mr. Aldridge of the violation and that a report would be submitted to the Chief Investigator for further review.

### CONCLUSION

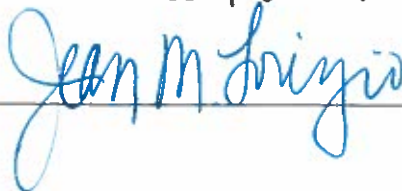
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.04 (1) No holder of a license issued under M.G.L. c. 138, § 15 shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost. Cost is defined as net cost appearing on the invoice for said alcoholic beverages. Therefore, the Commission **suspends the license for a period of one (1) day which 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



Jean M. Lorizio, Chairman



Dated: May 25, 2017

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  
Nicholas Velez and C. Temple Investigators  
Joseph Devlin, Esq.  
Administration, File