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Chairman

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

**BREWSTER FARMS QUICK PIK INC. D/B/A BREWSTER FARMS QUICK PIK
2771 MAIN ST.
BREWSTER, MA 02631
LICENSE#: 0134-00022
VIOLATION DATE: 07/12/2017
HEARING DATE: 11/14/2017**

Brewster Farms Quick Pik Inc. d/b/a Brewster Farms Quick Pik (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, November 14, 2017, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: 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 Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Compliance Check Field Report; and
 2. Licensee's Stipulation of Facts.
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- A. Photo of Licensee's Cash Register with I.D. Scanner; and
 - B. Photo of Licensee's I.D. Scanner.

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

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

FACTS

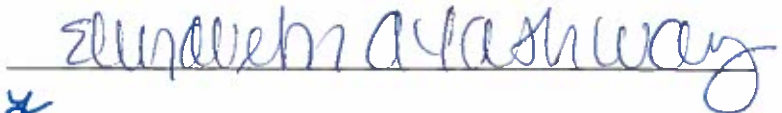
1. On Wednesday, July 12, 2017, at approximately 6:30 p.m., Investigators Velez and Binienda ("Investigators") investigated the business Brewster Farms Quick Pik Inc. d/b/a Brewster Farms Quick Pik.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 6-pack Bud Light beer, for seven dollars and sixty-nine cents (\$7.69). The underage operative was not asked for identification.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 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 three (3) days 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



Kathleen McNally, Commissioner



Dated: November 15, 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
Jamie Binienda, Investigator
Nick Velez, Investigator
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Harold Cahoon Jr., Esq. via facsimile 508-432-5888
Administration, File