



Jean M. Lorizio, Esq.
Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

DECISION

**SAGER CORP. D/B/A GO GAS
155 BROAD STREET
BRIDGEWATER, MA 02324
LICENSE#: 013600058
VIOLATION DATE: 12/03/2016
HEARD: 03/28/2017**

Sager Corp. d/b/a Go Gas (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, March 28, 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 § 15 Any holder of a license under this section shall be permitted to make sales in accordance with the terms of his license at any time between eight o'clock a.m. and eleven o'clock p.m., or between eight o'clock a.m. and half-past eleven o'clock p.m. on any day immediately preceding a legal holiday, except when prohibited by § 33. Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Di Cicco's report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report with copy of sales receipt; and
 2. Licensee's Stipulation of Facts;
- A. Licensee's Changes to Premises Since the Violation.

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

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

FINDINGS OF FACT

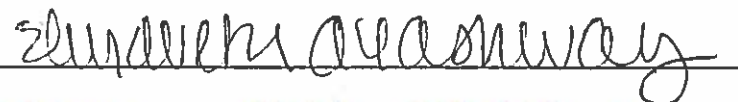
1. On Saturday, December 3, 2016, at approximately 11:25 p.m., Investigators Keefe, Temple, and Di Cicco ("Investigators") conducted an investigation of the business operation of Sager Corp. d/b/a Go Gas to determine the manner in which its business was being conducted.
2. Investigators observed a man, Melvin Ferandez, exit the licensed premises holding a case of Heineken beer which he then put in his vehicle.
3. Investigators asked Mr. Ferandez if he had just purchased the alcohol which Ferandez confirmed he had.

4. Investigators entered the licensed premises and spoke to the manager on duty, Dipakkumar Patel. Mr. Patel confirmed that he had sold the alcohol and gave to Investigators a copy of the sales receipt. The sales receipt indicated the time of purchase was after 11:20 p.m.
5. Investigators informed Mr. Patel that he was not supposed to sell alcoholic beverages after 11:00 p.m. Mr. Patel asked Investigators if it was ok for him to sell alcoholic beverages for 5 to 10 minutes after 11:00 p.m. Investigators informed Mr. Patel that he was not allowed to sell alcoholic beverages after 11:00 p.m.
6. Investigators informed Mr. Patel of the violation and that a report would be filed with the Chief Investigator for review.

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 § 15 Any holder of a license under this section shall be permitted to make sales in accordance with the terms of his license at any time between eight o'clock a.m. and eleven o'clock p.m., or between eight o'clock a.m. and half-past eleven o'clock p.m. on any day immediately preceding a legal holiday, except when prohibited by § 33. Therefore, the Commission **suspends the license for a period of two (2) days of which two (2) 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

Elizabeth Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: March 29, 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.

<p>This document is important and should be translated immediately. Este documento es importante y debe ser traducido inmediatamente. Este documento é importante e deve ser traduzido imediatamente. Ce document est important et devrait être traduit immédiatement. Questo documento è importante e dovrebbe essere tradotto immediatamente. Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. 这份文件是重要的，应立即进行翻译。</p>

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
D. Keefe; C. Temple, Investigators
Administration, File