



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150*

Jean M. Lorizio, Esq.
Chairman

DECISION

**DIPALI INC. D/B/A BRIMFIELD MARKET
13 MAIN STREET
BRIMFIELD, MA 01010
LICENSE#: 00004-RS-0138
VIOLATION DATE: 7/31/2019
HEARD: 2/04/2020**

Dipali Inc. d/b/a Brimfield Market (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, February 4, 2020, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.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 facts alleged in Investigator Watson's Report.

The following documents are in evidence:

1. Investigator Watson's Compliance Check Field Report;
 2. Licensee Stipulation of Fact;
 3. Copy of Transfer Application Approval, 3/06/2015.
- A. Point of Sale System Information.

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

FACTS

1. On Wednesday, July 31, 2019, at approximately 6:52 p.m., Investigators Temple and Watson ("Investigators") conducted an investigation of the business operation of Dipali Inc. d/b/a Brimfield Market.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 25-ounce Bud Light beer, for two dollars and sixty-five cents (\$2.65). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 2015 with no prior violations.

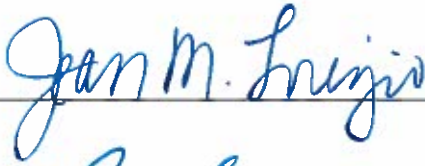
4. The Licensee appeared before the Commission and explained that they have installed a new Point of Sale system that requires the cashier to enter a patron's date of birth prior to completing every sale.

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. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: February 5, 2020

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
Kyle E. Gill, Esq., Associate General Counsel
Lisa Watson, Investigator
Christopher Temple, Investigator
Arthur Pearlman, Esq.
Administration, File