

*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

July 13, 2022

**DIPALI INC. D/B/A BRIMFIELD MARKET
13 MAIN STREET
BRIMFIELD, MA 01010
LICENSE#: 00004-PK-0138
VIOLATION DATE: 5/17/2022
HEARD: 6/21/2022**

After a hearing on June 21, 2022, the Commission finds Dipali Inc. d/b/a Brimfield Market 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 years of age. The Commission **suspends the license for a period of one (1) day to be served.**

The suspension shall commence on Monday, September 12, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, September 12, 2022, at 9:00 A.M. It will be returned to the licensee on Tuesday, September 13, 2022.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Sean Fleming, Investigator
Arthur Pearlman, Esq.
Administration, File



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DECISION

**DIPALI INC. D/B/A BRIMFIELD MARKET
13 MAIN STREET
BRIMFIELD, MA 01010
LICENSE#: 00004-PK-0138
VIOLATION DATE: 5/17/2022
HEARD: 6/21/2022**

Dipali Inc. d/b/a Brimfield Market ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, June 21, 2022, 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 years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Fleming's Report.

The following documents are in evidence:

1. Investigator Fleming's Compliance Check Field Report dated 5/17/2022;
2. ABCC Form 43, Transfer of License Approval, 3/6/2015;
3. ABCC Decision, 2/5/2020;
4. Licensee's Stipulation of Facts.

A. TIPS Certificates for Brimfield Market's employees.

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

FINDINGS OF FACT

1. On Tuesday, May 17, 2022, at approximately 7:24 p.m., Investigator Fleming inspected the business operation of Dipali Inc. d/b/a Brimfield Market.
2. An underage operative, working with the Investigator, purchased an alcoholic beverage, one 24-ounce can of Bud Light beer for two dollars and ninety-nine cents (\$2.99). 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. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission **suspends the license for a period of one (1) day.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

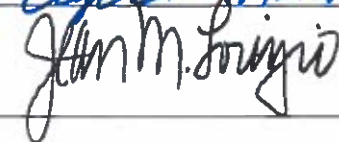
Deborah A. Baglio, Commissioner



Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Dated: July 13, 2022

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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2022-000068-ad-enf

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