



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

PRESTIGE FOOD & LIQUORS INC. D/B/A BAY STATE FOODS
1420 BEACON ST.
BROOKLINE, MA 02446
LICENSE#: 014800079
VIOLATION DATE: 06/09/2016
HEARING DATE: 12/06/2016

Prestige Food & Liquors Inc. d/b/a Bay State Foods (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, December 6, 2016, 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 Lordan's Report.

The following documents are in evidence:

1. Investigator Lordan's Compliance Check Field Report dated June 9, 2016; and
2. Licensee's Stipulation of Facts.
 - A. Employees Training Certificates; and
 - B. Invoice for ID Detection Scanner.

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

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

FACTS

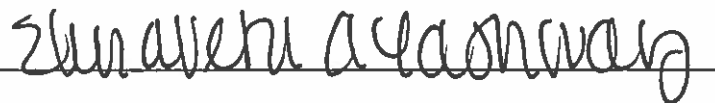
1. On Thursday, June 9, 2016, at approximately 7:30 p.m., Investigators Teehan and Lordan ("Investigators") investigated the business operation of Prestige Food & Liquors Inc. d/b/a Bay State Foods.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 6-pack of Budweiser Light beer for seven dollars (\$7.00). 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 of which three (3) 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 A. Lashway, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner



Dated: December 13, 2016

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
Lisa Lordan, Investigator
Michael Teehan, Investigator
Paul N. Barbadoro, Esq. and Kim Kroha, Esq. via facsimile 781-848-9790
Administration, File