

Re: Kapsco, Inc.
D/B/A: Cellar Wine & Spirits
Premise: 991B Massachusetts Avenue
City/Town: Cambridge, MA 02139

DECISION

Kapsco Inc. dba Cellar Wine & Spirits (“Cellar Wine & Spirits” or “the licensee”) holds an all alcohol license issued pursuant to Massachusetts General Laws Chapter 138, §15. The Alcoholic Beverages Control Commission (“the Commission”) held a hearing on July 20, 2010 regarding an alleged violation of Massachusetts General Laws c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Michael Teehan’s Compliance Check Field Report.

The following documents are in evidence:

1. Licensee’s Stipulation of Facts; and
2. Compliance Check Field Report of Investigator Michael Teehan.

There is one (1) tape of this hearing.

Facts

1. On Wednesday June 2, 2010 at approximately 7:26 p.m., Commission Investigators conducted a Minimum Age Purchase Law Compliance Check at the licensed premises of Cellar Wine & Spirits.
2. An underage operative, working with the investigators, purchased a can of Bud light for \$1.27. The underage operative was not asked for identification.

Conclusion

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for three (3) days of 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

Kim S. Gainsboro, Chairman _____

Robert Cronin, Commissioner _____

Dated in Boston, Massachusetts this 22nd day of July 2010.

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 days of receipt of this decision.

cc: Cambridge Licensing Board
Frederick G. Mahony, Chief Investigator
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