



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

*Sloven Grossman*  
*Treasurer and Receiver General*

*Kim J. Guinsberg, Esq.*  
*Chairman*

**DECISION**

**BAY STATE WINE & SPIRITS INC.**  
**2740 WASHINGTON STREET**  
**CANTON, MA 02021**  
**LICENSE#: 017000046**  
**VIOLATION DATE: 10/03/2013**  
**HEARD: 12/03/2013**

Bay State Wine & Spirits Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 3, 2013, regarding an alleged violation of c. 138, §34 – Sale or Delivery of an alcoholic beverage to a person under 21 years of age (1 Count). The above captioned occurred on October 3, 2013, according to Investigator Temple's Violation Report.

The following documents are in evidence:

1. Investigator Temple's Violation Report dated October 3, 2013;
  2. RMV Printout of Dennis Nagle;
  3. Photo of Denis Nagle;
  4. MA Driver's License of Ryan Vona; and
  5. CT Driver's License of Rebecca Colman.
- A. Curriculum Vitae of Assad Sayah, M.D.; and  
B. TIPS Certificate for Mary Sayah, with Photos of Two Confiscated Driver's Licenses.

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

**FACTS**

1. On Thursday, October 3, 2013, at approximately 5:20 p.m., Investigators Kujawski, Velez and Temple conducted an investigation of the business operation of Bay State Wine & Spirits Inc. to determine the manner in which its business was being conducted, and in response to information provided by the Canton Police Department.
2. While outside, investigators observed a youthful looking male subject, in possession of alcoholic beverages, exiting the licensed premises.
3. The youthful looking male was identified as Denis Nagle, actual date of birth 2/21/1994 (age 19).

3366 6847

1

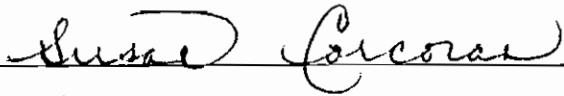
4. Investigators observed Mr. Nagle in possession of the following beverages:
  - One 30-pack of Bud Light beer;
  - One 30-pack of Miller Light beer;
  - Two (2) 16 ounce cans of Four Loko;
  - Four (4) 1.75 liter bottle of Admiral Nelson spiced rum;
  - One 1.75 liter bottle of Bacardi rum;
  - One 1.75 liter bottle of Captain Morgan spiced rum;
  - One 1 liter bottle of Pinnacle vodka.
5. Investigators observed that Mr. Nagle placed the alcoholic beverages into a Hondo Accord which contained three passengers.
6. The three underage passengers were identified with actual date of birth: [REDACTED] (age 19); actual date of birth [REDACTED] (age 19); and actual date of birth [REDACTED] (age 18).
7. Mr. Nagle stated that he had provided identification in the name of Ryan Vona, date of birth [REDACTED] (age 21), to purchase the alcoholic beverages.
8. Investigators identified Mr. Nagle to the manager on duty, Thomas Arico, and informed him of the violation.
9. Investigators informed Mr. Arico that a report would be filed with the Chief Investigator for further action.
10. The parents of the above underage persons were notified.
11. On Thursday, October 3, 2013, at approximately 5:45 p.m., Investigators Kujawski, Velez and Temple observed a youthful looking female subject, in possession of alcoholic beverages, exiting the licensed premises. The alcoholic beverages were:
  - One 30-pack of Bud Light beer;
  - One 1 liter bottle of Ciroc vodka;
  - One 1.75 liter bottle of Smirnoff vodka.
12. The youthful looking female was identified as Rebecca Coleman, actual date of birth [REDACTED] (age 19).
13. Investigators observed that Ms. Coleman placed the alcoholic beverages into a Kia Sorrento which contained four passengers.
14. The four underage passengers were identified with actual date of birth: [REDACTED] (age 19); actual date of birth [REDACTED] (age 18); actual date of birth [REDACTED] (age 20); and actual date of birth [REDACTED] (age 20).
15. Ms. Coleman stated that she had provided a fraudulent identification in her own name, with date of birth [REDACTED] (age 22) to purchase the alcoholic beverages.
16. Investigators identified Ms. Coleman to the clerk on duty, George Fares, and informed him of the violation.

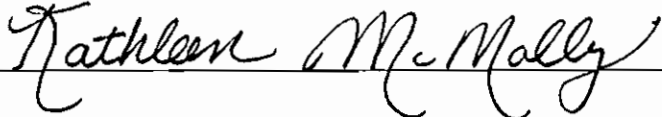
17. Investigators also provided Mr. Fares with different techniques for recognizing fraudulent identifications.
18. Investigators informed Mr. Fares that a report would be filed with the Chief Investigator for further action.
19. The parents of the above underage persons were notified.
20. Since the incident, the Licensee has made great efforts to comply by additional training and confiscation of fraudulent identifications.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated c. 138, §34 – Sale or Delivery of an alcoholic beverage to a person under 21 years of age. (1 Count). Therefore, the Commission **suspends the license for five (5) days of which five (5) 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**

Susan Corcoran, Commissioner 

Kathleen McNally, Commissioner 

Dated: December 16, 2013

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.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Christopher Temple, Investigator  
Nicholas Velez, Investigator  
Administration  
File