

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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

August 14, 2019

**1044 MAIN ST. CLINTON LLC D/B/A BROTHER'S BEER & WINE
1044 MAIN STREET
CLINTON, MA 01510
LICENSE#: 88918-PK-0234
VIOLATION DATE: 5/01/2019
HEARD: 8/13/2019**

After a hearing on August 13, 2019, the Commission finds 1044 Main St. Clinton LLC d/b/a Brother's Beer & Wine 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 suspends the license for a period of two (2) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

By decision dated August 8, 2017, the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served. The Licensee will serve a total of three (3) days.

The suspension shall commence on Monday, September 30, 2019 and terminate on Wednesday, October 2, 2019. The license will be delivered to the Local Licensing Board or its designee on Monday, September 30, 2019 at 9:00 A.M. It will be returned to the Licensee on October 3, 2019.

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.

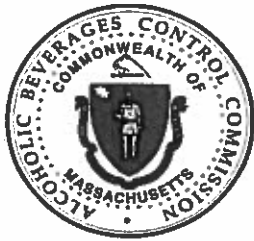
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Jean M. Lorizio
Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Matthew Porter, Esq.
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

1044 MAIN ST. CLINTON LLC D/B/A BROTHER'S BEER & WINE
1044 MAIN STREET
CLINTON, MA 01510
LICENSE#: 88918-PK-0234
VIOLATION DATE: 5/01/2019
HEARD: 8/13/2019

1044 Main St. Clinton LLC d/b/a Brother's Beer & Wine (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, August 13, 2019, 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 Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Compliance Check Field Report;
2. Licensee Stipulation of Fact; and
3. Copy of Licensee's Application, 11/29/2016; and
4. ABCC Decision, 8/8/2017.

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

FACTS

1. On Wednesday, May 1, 2019, at approximately 5:02 p.m., Investigators Kujawski and Keefe ("Investigators") investigated the business of 1044 Main St. Clinton LLC d/b/a Brother's Beer & Wine.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a can of Bud Light beer for one dollar and twenty-five cents (\$1.25). The underage operative was not asked for identification.

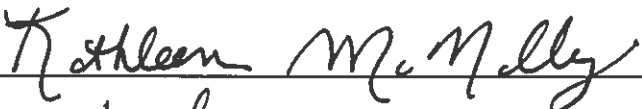
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 2016 with one prior violation.

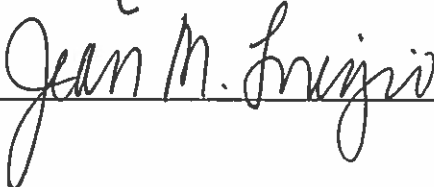
CONCLUSION

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). Therefore, the Commission **suspends the license for a period of two (2) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

By decision dated August 8, 2017, the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served. The Licensee will serve a total of three (3) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Jean M. Lorizio, Chairman 

Dated: August 13, 2019

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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