

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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**ERCOLI, INC DBA VIA ALTO**  
**27 HIGH STREET**  
**CLINTON, MA 01510**  
**LICENSE #: 023400043**  
**HEARD: 12/6/2011**

Ercoli, Inc. dba Via Alto (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 6, 2011, regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report dated August 3, 2011.

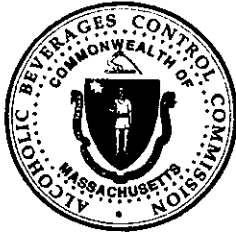
There is one (1) audio recording of this hearing.

**FACTS**

1. On, August 3, 2011 at approximately 7:06 p.m., Commission Investigators investigated the business operation Ercoli, Inc. dba Via Alto.
2. An underage operative, working with the investigators, purchased a Budweiser bottle for three dollars (\$3.00). The underage operative was not asked for identification.
3. Administrative review of the files indicates licensee has had the license since 2007 and has no prior violations.

**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 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.**



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