

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358

Jean M. Lorizio, Esq.
Chairman

DECISION

FOOT-OFF FIRST VENTURES D/B/A UNCORKED BEER & WINE
100 BRACKETT ROAD
EASTHAM, MA 02651
LICENSE#: 89493-PK-0364
VIOLATION DATE: 6/21/2023
HEARD: 11/28/2023

Foot-Off First Ventures d/b/a Uncorked Beer & Wine ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, November 28, 2023, 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 years of age. Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigators Velez and Binienda's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Velez and Binienda's Minimum Purchase Age Compliance Check Field Report, 6/21/2023;
2. ABCC Approval Cover Sheet, Transfer of License Approved, 2/25/2019;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

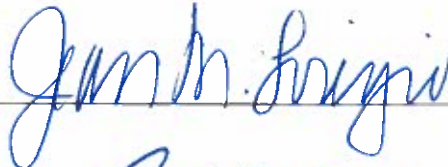
1. On Wednesday, June 21, 2023, at approximately 4:52 p.m., Investigators Binienda and Velez ("Investigators") conducted a compliance check at Foot-Off First Ventures d/b/a Uncorked Beer & Wine.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one 24-ounce White Claw Black Cherry Hard Seltzer, for three dollars and fifty cents (\$3.50). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 2019 with no prior violations.

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 years of age. As a result, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: March 18, 2024

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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2023-000138-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Jamie Binienda, Investigator
David V. Lawler, Esq.
Administration, File