

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

EVERETT PACKAGE, LLC
741 BROADWAY
EVERETT, MA 02149
LICENSE#: 038200077
HEARD 2/14/2012

Everett Package, LLC (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, February 14, 2012, regarding an alleged violation of M.G.L. c. 138 §34 (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Brad Doyle's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Doyle's Investigative Report dated November 18, 2011;
3. RMV printout for Anthony Imperato; and
4. RMV printout for Michael Memmolo.

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

FACTS

1. On Friday, November 18, 2011, at approximately 10:25 p. m., Investigators Guarino, Kujawski, and Doyle, investigated the business operation of Everett Package, LLC.
2. Investigators were stationed on Broadway, directly in front of the licensed premises.
3. Investigators observed a youthful looking individual, later identified as Shyne Mahoney, age twenty (20), standing approximately thirty (30) feet from the front door of the licensed premises, checking his phone and occasionally looking at the front entrance of the package store.
4. At approximately 10:30 p.m., investigators observed a male individual, later identified as Mr. Anthony Imperato, age twenty (20), with date of birth of September 11, 1991, walk out of the package store with a twelve (12) pack of Bud Lite and a thirty (30) pack of Budweiser.
5. Investigators observed Mr. Imperato hand the twelve (12) pack of Bud Lite to Mr. Mahoney, and place the thirty (30) pack of Budweiser on the ground, and walk back toward the front door of the package store.

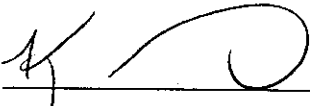
6. Investigators exited the vehicle, identified themselves, and asked the two male individuals for identification.
7. Mr. Imperato stated he was twenty-six (26) years old.
8. Mr. Imperato handed to investigators a Massachusetts Driver's License for Michael Memmolo which indicated a date of birth of August 11, 1984.
9. Investigators asked Mr. Imperato how old he was.
10. Mr. Imperato stated again that he was twenty-six (26) years old.
11. Investigators informed Mr. Imperato that a person born August 11, 1984 would be twenty-seven (27) years old.
12. Mr. Imperato produced his own Massachusetts Driver's License indicating his true identity and age: Anthony Imperato, date of birth September 11, 1991, age twenty (20).
13. Investigators entered the licensed premises with Mr. Imperato, and spoke to the clerk on duty, later identified as Allan Dwayne.
14. Mr. Dwayne stated he sold Mr. Imperato the twelve (12) pack of Bud Lite, the thirty (30) pack of Budweiser, as well as three (3) forty ounce (40 oz.) bottles of beer.
15. Mr. Dwayne also stated Mr. Imperato provided Michael Memmolo's Massachusetts Driver's License as identification.
16. Investigators informed Mr. Dwayne that a violation report would be filed with the Chief Investigator for further action.
17. Investigators exited the licensed premises with incident.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §34 (1 count). Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Kathleen McNally, Commissioner



Dated: February 14, 2012

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
 Michael Teehan, Investigator
 Administration
 File