



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**ICJ CORP. D/B/A FAIRHAVEN WINE & SPIRITS
105 SCOTICUT NECK ROAD
FAIRHAVEN, MA 02719
LICENSE#: 00034-PK-0384
VIOLATION DATE: 6/05/2019
HEARD: 10/15/2019**

ICJ Corp. d/b/a Fairhaven Wine & Spirits (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, October 15, 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 Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Compliance Check Field Report;
2. Licensee Stipulation of Fact;
3. Copy of License Transfer Application Approval 10/14/2014.

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

FACTS

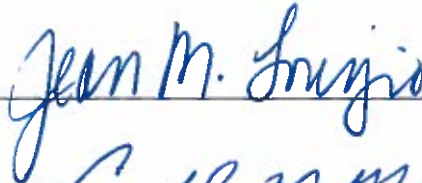
1. On Wednesday, June 5, 2019, at approximately 6:05 p.m., Investigators Binienda and Velez ("Investigators") investigated the business of ICJ Corp. d/b/a Fairhaven Wine & Spirits.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 6-pack of Bud Light beer for eight dollars and ninety-nine cents (\$8.99). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 2014 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 (21) years of age. The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Kathleen McNally, Commissioner



Dated: October 16, 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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Jamie Binienda, Investigator
Nicholas Velez, Investigator
Administration, File