



*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
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Boston, MA 02114  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**E.C. PEERLESS, INC. D/B/A PEERLESS PACKAGE STORE  
528 JOHN FITCH HIGHWAY  
FITCHBURG, MA 01420  
LICENSE#: 0394-00067  
VIOLATION DATE: 04/20/2017  
HEARD: 10/10/2017**

E. C. Peerless, Inc. d/b/a Peerless Package Store (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, October 10, 2017, regarding an alleged violation of M.G.L. c. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Lordan's report.

The following documents are in evidence:

1. Investigator Lordan's Investigative Report;
2. Licensee's Stipulation of Facts; and
3. Fraudulent Pennsylvania Driver's License.

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

The Commission took Administrative Notice of the Licensee's record.

**FINDINGS OF FACT**

1. On Thursday, April 20, 2017, at approximately 7:23 p.m., Investigators Kujawski and Lordan ("Investigators") conducted an investigation of the business operation of E. C. Peerless, Inc. d/b/a Peerless to determine the manner in which its business was being conducted.
2. While outside the licensed premises, Investigators observed a youthful appearing female individual exit the premises in possession of alcoholic beverages.
3. Underage #1, actual date of birth 7/5/1998 (age 18), was in possession of one case of Mike's Hard Lemonade and one case of Angry Orchard hard cider. Underage #1 stated to Investigators that she was used a fraudulent Pennsylvania driver's license to purchase the alcoholic beverages.

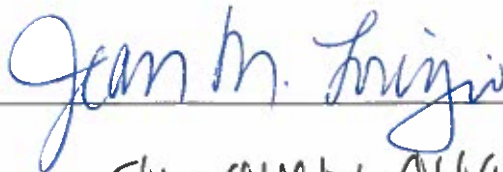
4. Investigators informed the clerk on duty, Marcus Rupelt, and the owner, John Hebert, of the above violation and that a report would be filed with the Chief Investigator for further action.
5. Investigators informed Mr. Rupelt about the importance of verifying the identity of individuals who purchase alcohol. Investigators also notified the parents of the Underage individual of the incident.

#### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Therefore, the Commission **suspends the license for five (5) days of which five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Dated: October 11, 2017

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  
Lisa Lordan, Investigator  
Jan Kujawski, Investigator  
Administration, File