

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

DECISION

EVERGREEN BEVERAGE CO DBA TWIN LAKES LIQUOR AND CONVENIENCE
653-655 MONTPONSETT STREET
HALIFAX, MA 02338
LICENSE#: 048400020
VIOLATION DATE: 05/29/2013
HEARD: 09/24/2013

Evergreen Beverage Co. dba Twin Lakes Liquor and Convenience (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, September 24, 2013, regarding an alleged violation of M.G.L. c.138 §34 – Sale and delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count).

The following documents are in evidence:

1. Decision dated July 26, 2013 from the Town of Halifax Board of Selectmen regarding a violation of M.G.L. c.138 §34 – Sale and delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count) which occurred on May 29, 2013.

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

FACTS

1. On Wednesday, May 29, 2013, Investigators Carey and Kelleher investigated the business operation of Evergreen Beverage Co. dba Twin Lakes Liquor and Convenience to conduct a compliance check.
2. During the course of the investigation, an individual became extremely argumentative and rude throughout the entire interaction with the investigators.
3. As a result, the investigators contacted the Halifax Police Department for assistance.
4. Halifax Police Officer Brandon Hanss arrived to assist investigators.
5. Thereafter, Officer Hanss submitted a report regarding this incident to the Halifax Board of Selectmen (the "Local Board") who held a hearing regarding this matter on Tuesday, July 23, 2013.
6. The Local Board heard the testimony of Halifax Patrol Officer Hanss and Mr. Francis Murphy, the license manager.
7. The Local Board found that the licensee violated M.G.L. c.138, §34 and issued a warning.

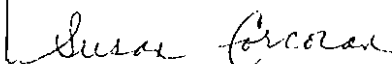
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CONCLUSION

Although the Commission has broad authority over the regulation of alcoholic beverages, it shall endeavor to avoid duplicating similar investigations by local licensing authorities. M.G.L. c. 138, §23. Any penalty imposed on these facts would be duplicative of the action taken by the Halifax Board of Selectmen. Therefore, the Commission dismisses the charge and will take no further action on this matter.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman  _____

Susan Corcoran, Commissioner  _____

DATE: September 25, 2013

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
Tara Kelleher, Investigator
Jack Carey, Investigator
Administration
File