

Re: Harwich Spirit Shoppe, Inc.  
Premise: 574 Route 28  
City/Town: Harwich, MA 02646  
License #: 050600032  
Heard: September 7, 2010

## DECISION

Harwich Spirit Shoppe, Inc. ("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 September 7, 2010 regarding an alleged violation M.G.L. c.138, §34 which occurred on August 6, 2010 according to Investigator Jamie Binienda's Report.

The following documents are in evidence:

1. Investigator Jamie Binienda's Report;
2. LexisNexis Historical Person Locator Results; and
3. Written Statement from Clerk submitted by Licensee.

There is one (1) tape of this hearing.

### Facts

1. On, August 6, 2010 at approximately 9:10 p.m., Commission Investigators investigated the business operation of Harwich Spirit Shoppe, Inc. for a complaint filed with the Commission regarding sales of illegal cigarettes.
2. The Investigators identified themselves to the clerk, Yelena Saunders and explained that they were investigating the sale of illegal cigarettes.
3. The Investigators inspected the cigarettes behind the counter and they all appeared to have Massachusetts State Tax Stamps. The investigators left the premises and got into their car.
4. While in the car, the Investigators observed a youthful looking individual enter the store.
5. Shortly thereafter, the individual left the store carrying a 12 pack of Blue Moon and (2) six packs of Red Stripe Light Beer.

6. The Investigators identified themselves to the female and asked her for identification. She produced her license which indicated that she was 19 years old. The Individual told the Investigator's that the clerk inside did not ask for identification.

7. The Investigators re-entered the store and spoke with Ms. Saunders. She stated she did ask for identification but she could not remember what type of identification the individual produced.

#### Conclusion

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §34. As the licensee has been in business for over twenty (20) years and never had a violation, the Commission issues a **WARNING**.

#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman \_\_\_\_\_

Robert Cronin, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 16<sup>th</sup> day of September 2010.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
File