

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

LEPINAY, INC. DBA CRANBERRY LIQUORS
555 ROUTE 28
HARWICH, MA 02646
LICENSE#: 050600028
HEARD: 09/25/2012

Lepinay, Inc. dba Cranberry Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September 25, 2012, regarding an alleged violation of 204 CMR 2.05(2), to wit: c.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 violation alleged in Investigator Binienda's Compliance Check Field Report.

The following documents are in evidence:

1. Investigator Binienda's Compliance Check Field Report dated May 30, 2012;
2. Notice of Violation; and
3. Licensee's Stipulation of Facts.

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

FACTS

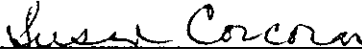
1. On Wednesday, May 30, 2012, at approximately 5:56 p.m., Investigators Kenny and Binienda conducted an investigation of the business operation of Lepinay, Inc. dba Cranberry Liquors.
2. An underage operative working with investigators purchased an alcoholic beverage, a twelve (12) pack of Budweiser Light Lime beer for thirteen dollars and ninety-nine cents (\$13.99). The underage operative was not asked for identification.

CONCLUSION

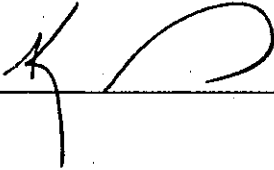
Based on the evidence, the Commission finds the licensee violated of 204 CMR 2.05(2), to wit: c.138, §34- Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Kim S. Gainsboro, Chairman



Dated: September 25, 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
Jamie Binienda, Investigator
Mark Kenny, Investigator
✓ Administration
File