

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

NOTICE OF SUSPENSION

October 1, 2013

PORTA BELLA BEVERAGE, INC. DBA WEST CORNER LIQUORS
18 NANTASKET AVE
HULL, MA 02045
LICENSE#: 055400036
VIOLATION DATE: 05/30/2013
HEARD: 09/17/2013

After a hearing on September 24, 2013, the Commission finds Porta Bella Beverage, Inc. dba West Corner Liquors in violation of c.138, §34 – Sale or Delivery of an alcoholic beverage to a person under 21 years of age.

The Commission **suspends the licensee's license for a total of three (3) days to be served. The suspension shall commence on Wednesday, November 27, 2013, and terminate on Friday, November 29, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 27, 2013 at 9:00 A.M. It will be returned to the licensee Saturday, November 30, 2013.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

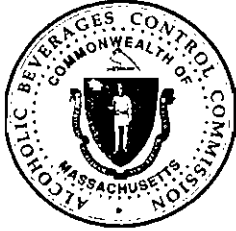
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Tara Kelleher, Investigator
Michael Teehan, Investigator
John P. Connell, Esq. via facsimile 617-227-3222
Administration
File

1767 1882



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

PORTA BELLA BEVERAGE, INC. DBA WEST CORNER LIQUORS
18 NANTASKET AVE
HULL, MA 02045
LICENSE#: 055400036
VIOLATION DATE: 05/30/2013
HEARD: 09/17/2013

Porta Bella Beverage, Inc. dba West Corner Liquors (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 17, 2013, regarding an alleged violation of c.138, §34 – Sale or Delivery of an alcoholic beverage to a person under 21 years of age. The above-captioned occurred on May 30, 2013 according to Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report dated June 8, 2013;
 2. Photograph of Derek Froio;
 3. Photograph of Cameron Lucas; and
 4. MA Driver's License of Cameron Lucas.
- A. Still Photograph of Cashier Area During Alcohol Purchase; and
B. Yelp! Review.

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

FACTS


1. On Thursday, May 30, 2013, at approximately 6:50 p.m., Investigators Kelleher, Teehan, and Temple investigated the business operation of Porta Bella Beverage, Inc. dba West Corner Liquors to determine the manner in which their business was being conducted.
2. Investigators observed a motor vehicle with Massachusetts tags, containing two youthful looking individuals, pull into the parking lot adjacent to the licensed premises.
3. Investigators observed the driver enter the store and exit it moments later with a 6-pack of Leinenkugels brand beer and a bottle of Rubinoff vodka.
4. Investigators observed the male individual place the alcohol in the center console of the vehicle.
5. Investigators approached the motor vehicle and asked the individuals for proof of age.
6. The driver was identified as Derek Froio, actual date of birth [REDACTED] (age 19).
7. The passenger was identified as Patrick R. Lewis, actual date of birth [REDACTED] (age 19).
8. Investigators asked Mr. Froio if he had any false identification on his person.

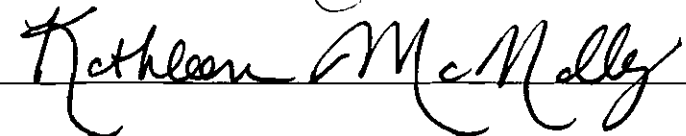
9. Mr. Froio handed to Investigators a Delaware Driver's License in the name of Cameron Lucas, date of birth [REDACTED] (age 23).
10. Mr. Froio advised investigators that he presented the Delaware Driver's License when the Licensee asked for identification.
11. The Leinenkugels beer and bottle of Rubinoff vodka were taken as evidence.
12. Investigators entered the licensed premises with Mr. Froio and identified him to the clerk on duty, Paul Martin.
13. Investigators advised Mr. Martin of the violation and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated of c.138, §34 – Sale or Delivery of an alcoholic beverage to a person under 21 years of age. Therefore, the Commission **suspends the license for four (4) days of which three (3) days will be served and one (1) day 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 

Kathleen McNally, Commissioner 

DATE: October 1, 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
Christopher Temple, Investigator
Michael Teehan, Investigator
Tara Kelleher, Investigator
John P. Connell, Esq. via facsimile 617-227-3222
Administration
File