

Commonwealth of Massachusetts Alcoholic Beverages Control Commission 95 Fourth Street, Suite 3 Chelsea, Massachusetts 02150-2358

Jean M. Lorizio, Esq. Chairman

DECISION

BNIPSWICH LLC 141 HIGH STREET IPSWICH, MA 01938 LICENSE#: 00045-RS-0566 VIOLATION DATE: 3/26/2024 HEARD: 7/23/2024

Bnipswich LLC ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, July 23, 2024, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigators Bolcome & Anderson's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

- 1. Investigators Bolcome & Anderson's Minimum Purchase Age Compliance Check Field Report, 3/26/2024;
- 2. ABCC Form 43, Transfer of License Approval, 9/17/2013;
- 3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

- 1. On Tuesday, March 26, 2024, at approximately 5:35 p.m., Investigators Anderson and Bolcome ("Investigators"), conducted a compliance check at Bnipswich LLC.
- 2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one Sam Adams draft beer for nine dollars (\$9.00). The underage operative was not asked for identification.
- 3. The Licensee has held a license under M.G.L. c. 138, § 12 since 2013 with no previous violations.

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CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. As a result, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman Crystal Matthews, Commissioner Deborah A. Baglio, Commissioner

Dated: October 9, 2024

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.



2024-000081-ad-enf

cc: Local Licensing Board Frederick G. Mahony, Chief Investigator Katherine McCormick, Esq., Associate General Counsel David Bolcome, Investigator Melissa Anderson, Investigator Administration, File