

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

GABRIELLA, INC. DBA MCCANN'S LIQUORS
253 S UNION ST.
LAWRENCE, MA 01843
LICENSE#: 059400109
VIOLATION DATE: 04/09/2014
HEARD: 08/05/2014

Gabriella Inc. dba McCann's 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, August 5, 2014, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, 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 Bailey's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Bailey's Compliance Check Field Report dated April 9, 2014.

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

FACTS

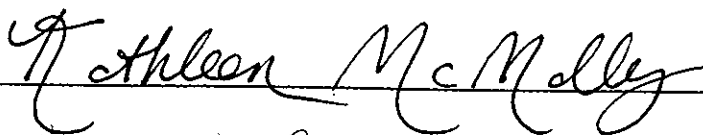
1. On Wednesday, April 9, 2014, at approximately 6:08 p.m., Investigators Temple and Bailey conducted an investigation of the business operation of Gabriella Inc. dba McCann's Liquors.
2. An underage operative, working with investigators, purchased a twenty-five ounce (25 oz.) can of Budweiser Light beer for two dollars and seventy five cents (\$2.75). The underage operative was not asked for identification.

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: c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the licensee has not had a violation in more than ten (10) years, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: August 5, 2014

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
Rose Bailey, Investigator
Administration
File