

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

Jean M. Lorizio, Esq.
Chairman

DECISION

BERKSHIRE LIQUORS INC.
18 HOUSATONIC STREET
LEE, MA 01238
LICENSE#: 00020-PK-0596
VIOLATION DATE: 6/07/2022
HEARD: 9/13/2022

Berkshire Liquors Inc. ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, September 13, 2022, 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 Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Minimum Purchase Age Compliance Check Field Report;
 2. ABCC Form 43, License Transfer Approval, 9/22/2008;
 3. ABCC Decision, 6/16/2014;
 4. Licensee's Stipulation of Facts.
- A. Letter from Licensee to ABCC, 9/12/2022;
 - B. Photograph of Scanner at Register;
 - C. Photograph of Sign on Front Door at Licensed Premises;
 - D. Photograph of Sign Stating New Policy.

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

FINDINGS OF FACT

1. On Tuesday, June 7, 2022, at approximately 7:26 p.m., Investigators Terasconi and Temple ("Investigators"), inspected the business operation of Berkshire Liquors Inc.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one 6-pack of Bud Light beer for \$7.50. The underage operative was not asked for identification.
3. David Ryel, Licensee, appeared at the Commission hearing. Mr. Ryel testified as to steps taken and new policies implemented to prevent future violations. His new policies include

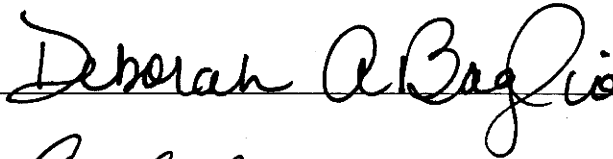
only allowing people over twenty-one years of age to enter the licensed premises, refusing service to groups of individuals if any of them are under twenty-one years old, and requiring all patrons to produce identification.

CONCLUSION

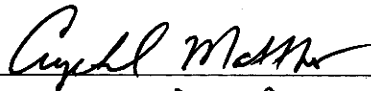
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner



Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Dated: October 3, 2022

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.

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2022-000109-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Christopher Temple, Investigator
Nicole Terasconi, Investigator
Administration, File