

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

INTERNATIONAL BEVERAGE CENTER, INC. DBA NEJAIMIE'S WINE & LIQUOR
444 PITTSFIELD ROAD
LENOX, MA 01240
LICENSE#: 060200036
HEARD: 11/13/2012

International Beverage Center, Inc. dba Nejaimie's Wine & Liquor (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, November 13, 2012, 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, which occurred on May 16, 2012 according to Investigator Keefe's Report.

The following documents and physical items are in evidence:

1. Investigator Keefe's Compliance Check Field Report dated May 16, 2012;
 2. Notice of Violation dated May 16, 2012;
 3. Can of Budweiser Light beer;
 4. Compliance Check Guidelines;
 5. Underage Operative Information;
 6. Photo of Underage Operative; and
 7. Release Form of Underage Operative.
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- A. Operating Training Manual (Licensee's Employee Handbook);
 - B. Employee Signature pages confirming agreement to policies and procedures in Employee Handbook;
 - C. Executed signature page of former employee D. Parnell;
 - D. Photograph of all employees of licensee who attended the Beverage Alcohol Training on July 15, 2012;
 - E. Beverage Alcohol Training program materials;
 - F. Certificates of Completion for each employee who attended Beverage Alcohol Training on July 15, 2012; and
 - G. Licensee's Identification Policies Monthly Review Manual.

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

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FACTS

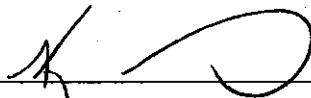
1. On Wednesday, May 16, 2012, at approximately 5:57 p.m., Investigators Kujawski and Keefe conducted an investigation of the business operation of International Beverage Center, Inc. dba Nejaimie's Wine & Liquor.
2. An underage operative working with investigators purchased an alcoholic beverage, a twelve ounce (12 oz.) can of Budweiser Light beer, for one dollar and twenty-five cents (\$1.25). The underage operative was not asked for identification.
3. At the Commission hearing the Licensee, James Nejaime, while under oath accepted responsibility for the incident.

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 been in business for twenty (20) years and has had no previous violations, the Commission issues a **WARNING**.

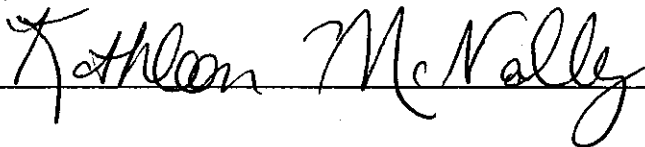
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner



Dated: November 13, 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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
David Rich, Esq., via Facsimile 617-439-3987
Administration
File