



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

O'BRIENS MARKET INC. DBA O'BRIEN'S MARKET
84 MAIN STREET
LENOX, MA 01240
LICENSE#: 060200037
VIOLATION DATE: 03/06/2014
HEARD: 06/10/2014

O'Briens Market Inc. dba O'Brien's Market (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, June 10, 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 Keefe's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Keefe's Investigative Report dated March 6, 2014.

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

FACTS

1. On Thursday, March 6, 2014 at approximately 3:48 p.m., Investigators Kujawski and Keefe conducted an investigation of the business operation of O'Briens Market Inc. dba O'Brien's Market.
2. An underage operative, working with investigators, purchased an alcoholic beverage, an India Pale Ale beer (Berkshire Co.) for four dollars and eighty five cents (\$4.85). 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 been in business for more than ten (10) years and has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: June 16, 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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File