

Re: **Jamba J. Corp**
DBA: **dba Pumpsy's Liquors**
Premise: **271 Highland Avenue**
City/Town: **Malden, MA**
License #: **064600057**
Heard: **October 5, 2010**

DECISION

Jamba J. Corp dba Pumpsy's Liquors (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on October 5, 2010 regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Brad Doyle's Report; and
3. Department of Motor Vehicles Demographic Report.

There is one (1) tape of this hearing.

Facts

1. On, June 24, 2010 at approximately 8:00 p.m., Commission Investigators investigated the business operation of Jamba J. Corp dba Pumpsy's Liquors.
2. At approximately 8:45 p.m. Investigators observed a young female exit the store with two (2) cases of beer. Investigators approached the vehicle as the female patron was placing the alcoholic beverages in the trunk.
3. The Investigators identified themselves to the female and requested identification from her. The license indicated that she was nineteen (19) years old.

4. Investigators spoke with the store clerk, James Foley. Mr. Foley stated he sold the alcohol to the individual after she produced identification indicating the she was twenty-one (21) years old.

5. The underage provided to the investigators the identification that she had used to purchase the alcohol. The identification relied upon by the clerk contained many deficiencies, included but not limited to the fact that it was not her picture and it was expired.

Conclusion

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §34. The Commission **suspends the license for four (4) days of which four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____

Robert Cronin, Commissioner _____

Susan Corcoran, Commissioner _____

Dated in Boston, Massachusetts this 12th day of October 2010.

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 days of receipt of this decision.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad M. Doyle, Investigator
File