



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Guinstora, Esq.
Chairman

DECISION

GT RETAIL INC. DBA WINES & MORE-MANSFIELD
280 SCHOOL STREET
MANSFIELD, MA 02048
LICENSE#: 065200038
HEARD: 04/23/2013

GT Retail Inc. dba Wines & More-Mansfield (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, April 23, 2013, regarding an alleged violation of M.G.L. Ch.138 § 64 Failure to Comply with the Laws of the Commonwealth, to wit: 204 CMR 2.04 (1) No holder of a license issued under M.G.L. c. 138, § 15 shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost. Cost is defined as net cost appearing on the invoice for said alcoholic beverage. The use of any device, promotion or scheme which results in the sale of alcoholic beverages at less than invoiced cost is prohibited. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Carey's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Carey's Investigative Report dated January 15, 2013.

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

FACTS

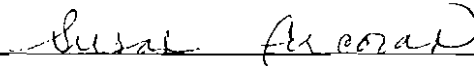
1. Investigator Carey was assigned to investigate a complaint against GT Retail Inc. dba Wines & More-Mansfield, which alleged the licensee was selling alcoholic beverages below cost.
2. On approximately January 14, 2013, Investigator Carey telephoned the owner of the license, Glen Thompson, and asked him about this complaint.
3. Mr. Thompson stated that he did not think his establishment would make such a mistake but he would check on it and get back to Investigator Carey.
4. A short time later, Mr. Thompson telephoned Investigator Carey. Mr. Thompson stated that the licensee was indeed selling 30-packs of both Miller beer and Coors beer for one penny below cost. He stated that he would correct this situation immediately.
5. Investigator Carey asked Mr. Thompson to determine how much of these products were sold at that price and his inventory, and to send that information to him in writing.

6. On January 16, 2013, at approximately 8:51 p.m., Mr. Thompson emailed the information requested to Investigator Carey.
7. The records provided show that the licensee sold the above mentioned beer items at one penny below cost. Quantities sold at this below cost price took place from January 2, 2013 to January 15, 2013.
8. Mr. Thompson stated that the pricing for these beer items has been increased, and all store signage has been changed to reflect the corrected price.
9. Investigator Carey advised Mr. Thompson that a violation report would be filed with the Chief Investigator for further review.


CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. Ch.138 § 64 Failure to Comply with the Laws of the Commonwealth, to wit: 204 CMR 2.04 (1) No holder of a license issued under M.G.L. c. 138, § 15 shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost. Cost is defined as net cost appearing on the invoice for said alcoholic beverage. The use of any device, promotion or scheme which results in the sale of alcoholic beverages at less than invoiced cost is prohibited. Therefore, the Commission **suspends the license for two (2) days of which two (2) days will be held in abeyance for a period of one (1) year provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner 

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

Kathleen McNally, Commissioner 

DATE: May 1, 2013

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
Jack Carey, Investigator
Administration
File