



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

*Steven Grossman*  
*Treasurer and Receiver General*

**DECISION**

*Kim J. Gainsboro, Esq.*  
*Chairman*

**SPIRITS, INC.**  
**154 FRONT ST S/E/COR OF W/S**  
**MARION, MA 02738**  
**LICENSE#: 065800009**  
**HEARD: 09/13/2011**

Spirits, Inc. (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September 13, 2011, 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 Jamie Binienda's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Report of Investigator Jamie Binienda.

There is one (1) tape of this hearing.

**FACTS**

1. On, June 1, 2011 at approximately 06:55 p.m., Commission Investigators investigated the business operation Spirits, Inc.
2. An underage operative, working with the investigators, purchased a bottle of wine for nine dollars and ninety-nine cents (\$9.99). The underage operative was not asked for identification.
3. The Licensee has held the license for thirty (30) years without a violation.
4. The Licensee stated that they have instituted a new policy in which all customers under thirty (30) years of age have to show a valid form of identification.

**CONCLUSION**

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for two (2) days of which two (2) 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**

Susan Corcoran, Commissioner *Susan Corcoran*

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

Kim S. Gainsboro, Chairman *Kim S. Gainsboro*

Dated: November 8, 2011

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