

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

N K MARKET, INC. DBA POST ROAD PANTRY
21-25 BOSTON POST RD
MARLBOROUGH, MA 01752
LICENSE#: 066200052
VIOLATION DATE: 06/17/2013
HEARD: 10/29/2013

N K Market, Inc. dba Post Road Pantry (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, October 29, 2013, 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 Doyle's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
 2. Investigator Doyle's Compliance Check Field Report dated June 17, 2013;
 3. Compliance Check Guidelines; and
 4. Photo of Underage Operative.
- A. Server Training Certificate dated February 18, 2012, for Employee; and
 - B. Server Training Certificate dated February 19, 2012 for Licensee.

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

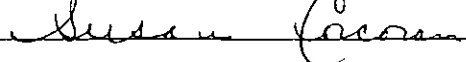
FACTS

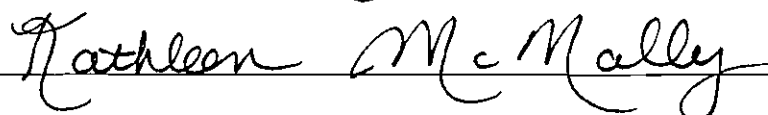
1. On Monday, June 17, 2013, at approximately 5:45 p.m., Investigators Bailey and Doyle conducted an investigation of the business operation of N K Market, Inc. dba Post Road Pantry.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a twenty-four ounce (24 oz.) can of Budweiser Light beer for two dollars and forty-nine cents (\$2.49). 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. Therefore, the Commission **suspends the license for three (3) days of which three (3) 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 

Kathleen McNally, Commissioner 

Dated: October 29, 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
Brad Doyle, Investigator
Rose Bailey, Investigator
William J. Carroll III, Esq. via Facsimile 508-626-0462
Administration
File