

*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**SHREE KAMAKYA DEVI, INC. D/B/A MASHPEE MINI MART
401 NATHAN ELLIS HIGHWAY, UNITS 6 & 7
MASHPEE, MA 02649
LICENSE#: 88862-PK-0670
VIOLATION DATE: 5/20/2018
HEARING DATE: 7/10/2018**

Shree Kamakya Devi, Inc. d/b/a Mashpee Mini Mart (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, July 10, 2018, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. 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 Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Compliance Check Field Report; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

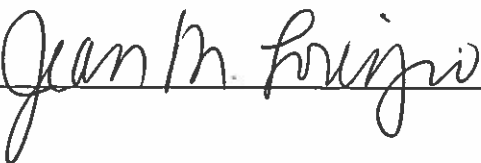
1. On Sunday, May 20, 2018, at approximately 2:30 p.m., Investigators Velez and Binienda ("Investigators") investigated the business of Shree Kamakya Devi, Inc. d/b/a Mashpee Mini Mart.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 6-pack of Bud Light beer, for seven dollars and forty-nine cents (\$ 7.49). 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: M.G.L. 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 two (2) days which 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

Elizabeth A. Lashway, Commissioner 

Jean M. Lorizio, Chairman 

Dated: July 12, 2018

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.

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jamie Binienda, Investigator
Nicholas Velez, Investigator
Administration, File