



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150*

Jean M. Lorizio, Esq.
Chairman

DECISION

**ED LIMA'S WINE & SPIRITS INC. D/B/A VILLAGE PACKAGE STORE
4 COUNTY ROAD / P.O. BOX 29
MATTAPOISETT, MA 02739
LICENSE#: 0082-00007
VIOLATION DATE: 5/20/2019
HEARD: 8/13/2019**

Ed Lima's Wine & Spirits Inc. d/b/a Village Package Store (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, August 13, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.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 facts alleged in Investigator Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Compliance Check Field Report;
2. Licensee Stipulation of Fact;
3. Copy Licensee's License Application, 5/15/2002;
4. ABCC Decision, 8/23/2011; and
5. ABCC Decision, 9/25/2013.

A. TIPS Certification for Two Employees of Licensee.

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

FACTS

1. On Wednesday, May 15, 2019, at approximately 4:32 p.m., Investigators Velez and Binienda ("Investigators") investigated the business of Ed Lima's Wine & Spirits Inc. d/b/a Village Package Store.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, an 18-pack of Bud Light beer for seventeen dollars and eighty-nine cents (\$17.89). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 2007.

CONCLUSION

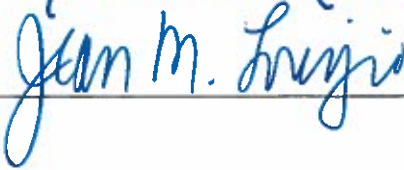
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21). Therefore, the Commission **suspends the license for a period of one (1) day 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

Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Dated: August 21, 2019

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
Kyle E. Gill, Esq., Associate General Counsel
Jamie Binienda, Investigator
Nick Velez, Investigator
Administration, File