

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

BLUSTERY DAY, LLC DBA MERRIMAC LIQUORS
123 EAST MAIN ST
MERRIMAC, MA 01860
LICENSE#: 069400005
HEARD: 07/24/2012

Blustery Day, LLC dba Merrimac Liquors (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 24, 2012, regarding an alleged violation of 204 CMR 2.05(2), to wit: c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kenny's Compliance Check Field Report.

The following documents are in evidence:

1. Investigator Kenny's Compliance Check Field Report dated April 26, 2012; and
2. Licensee's Stipulation of Facts.

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

FACTS

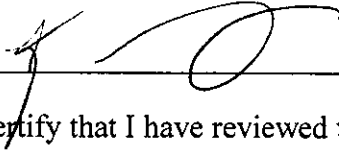
1. On Thursday, April 26, 2012, at approximately 08:10 p.m., Investigators Bailey and Kenny conducted an investigation of the business operation of Blustery Day, LLC dba Merrimac Liquors.
2. An underage operative working with investigators purchased an alcoholic beverage, a sixteen (16) ounce can of Bud Light beer for one dollar and seventy-five cents (\$1.75). The underage operative was not asked for identification.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2), to wit: M.G.L. c. 138, §34. 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.**

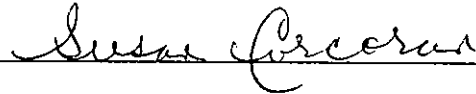
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



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

Susan Corcoran, Commissioner



Dated: July 24, 2012

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
Mark Kenny, Investigator
Rose Bailey, Investigator
Administration
File