

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

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

July 20, 2011

S & M LIQUOR INC. DBA ARLINGTON LIQUORS
45-47 BROADWAY
METHUEN, MA 01844
LICENSE#: 069600051
HEARD: 05/31/2011

After a hearing on May 31, 2011, the Commission finds S & M Liquor, Inc. dba Arlington Liquors in violation of Massachusetts General Laws c. 138, §34C (1 count).

The Commission **suspends the licensee's license for a total of eight (8) days to be served**. The suspension shall commence on **Wednesday, September 7, 2011 and terminate on Wednesday, September 14, 2011**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 7, 2011 at 9:00 A.M. It will be returned to the licensee Thursday, September 15, 2011.

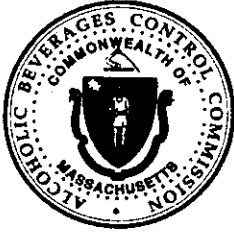
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Paul Capurso, Investigator
Administration
File



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

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DECISION

Kim J. Gainsboro, Esq.
Chairman

S & M LIQUOR INC. DBA ARLINGTON LIQUORS
45-47 BROADWAY
METHUEN, MA 01844
LICENSE#: 069600051
HEARD: 05/31/2011

S & M Liquor, Inc. dba Arlington Liquors (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 31, 2011, regarding an alleged violation of M.G.L. c.138, §34C (1 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Paul Capurso's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Paul Capurso's Report;
3. CJIS Printout; and
4. Photo of Counter Area.

There is one (1) tape of this hearing.

FACTS

1. On April 15, 2011 at approximately 7:00 p.m., Investigators Doyle and Capurso conducted an investigation in an effort to prevent underage drinking and determine the manner in which business is conducted at S & M Liquor, Inc. dba Arlington Liquors.
2. Investigators observed a youthful looking female enter the licensed premises and shop for alcoholic beverages in the store.
3. The youthful female was then observed at the register carrying two (2) bottles of alcohol:
 - 1.75L Bottle of Rubinoff Vodka
 - 1.75L Bottle of Gilbert's Vodka
4. The Investigators observed the youthful female exit the store, carrying a black plastic bag, and get into a vehicle.
5. Investigators approached the female in her vehicle and identified themselves.
6. The female was asked for identification but did not provide one.
7. Investigators asked her what she bought in the store and she told them she bought alcohol.
8. When she was asked to shut the vehicles' motor off, she shifted it into drive and drove off at a high rate of speed which resulted in an accident.
9. The Methuen Police Department was informed of the events.
10. At approximately 9:30 p.m., an interview took place at the Methuen Police Department between the Methuen Police, the Alcoholic Beverage Control Commission Investigators,

the minor and her guardian pertaining to the incidents that had transpired during the course of the night.

11. The youthful female was asked for some form of identification, which she provided.
12. When she was asked her age, she responded that she was sixteen (16) and that she did not provide any identification when she purchased the alcohol.
13. At approximately 10:30 p.m., the Investigators returned to Arlington Liquors to review a surveillance tape.
14. When they were observing the tape, they noticed that the minor was not asked for any form of identification when she purchased the alcohol.
15. The investigators testified that the youthful female was extremely belligerent and would not listen to them when she was being questioned.
16. The licensee's clerk admitted that he did not ask for identification from the individual because she had been in the establishment on prior occasions.
17. According to the licensee, the policy of the establishment is to ask for identification of everyone who looks under thirty (30) years old.
18. In trying to prevent this from happening again, the licensee stated that his staff will attend alcohol trainings and he will reinforce that everyone needs to be asked for identification.
19. An administrative review of the file reveals that the licensee has a prior violation within the last two (2) years.

CONCLUSION

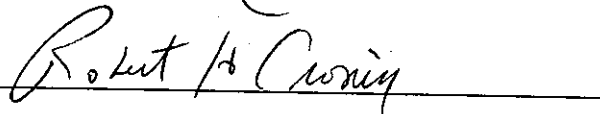
Based on the evidence, the Commission finds the licensee violated M. G. L. c. 138, §34C (1 count). Therefore, the Commission **suspends the licensee's license for a period of eight (8) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Robert H. Cronin, Commissioner



Dated: July 20, 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
Paul Capurso, Investigator
Administration
File