

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**SEASIDE VARIETY PARTNERS D/B/A SEASIDE VARIETY
141 NAHANT RD.
NAHANT, MA 01908
LICENSE#: 0760-00009
VIOLATION DATE: 06/21/2017
HEARING DATE: 10/17/2017**

Seaside Variety Partners d/b/a Seaside Variety (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 17, 2017, 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 Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco'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 Wednesday, June 21, 2017, at approximately 6:16 p.m., Investigators Carey and Di Cicco ("Investigators") investigated the business operation of Seaside Variety Partners d/b/a Seaside Variety.
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 ninety-five cents (\$7.95). 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. As the current owner of the license has been involved in the operation of this family business for more than 10 years with no prior violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

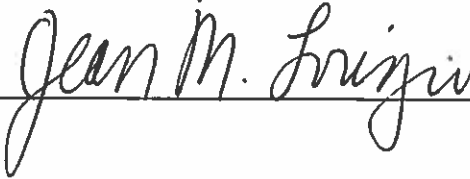
Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Jean M. Lorizio, Chairman



Dated: October 18, 2017

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
Joseph Di Cicco, Investigator
Jack Carey, Investigator
Administration, File