

## **DECISION**

**Premium Liquors, Inc.  
dba Premium Liquors  
1926 Purchase Street  
New Bedford, MA 02740  
License #: 077800182  
Heard: January 25, 2011**

Premium Liquors, Inc. dba Premium 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, January 25, 2011, regarding an alleged violation of M.G.L. c.138, §34c. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Chief Investigator Frederick Mahony's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Chief Investigator Frederick Mahony's report;
3. Massachusetts Drivers License of Daryl G. Cabral; and
4. RMV print out for Richard J. Cabral.

There is one (1) tape of this hearing.

## **FACTS**

1. Commission Chief Investigator, Frederick Mahony, testified that on November 13, 2010 at approximately 8:45 PM, he initiated a stationary surveillance of Premium Liquors, Inc. dba Premium Liquors located 1926 Purchase Street, New Bedford, MA.
2. At approximately 9:00 PM, Chief Mahony observed a youthful looking male exit the passenger side door of a sedan and enter the premises of Premium Liquors, Inc.
3. Approximately 10 minutes later, the same individual was observed exiting the premises with alcoholic beverages.
4. Chief Mahony approached the vehicle and requested identification from the male individual.
5. Chief Mahony was provided with identification showing male to be twenty (20) years of age.
6. The male stated that he had used his brothers Massachusetts drivers license to purchase the alcoholic beverages.
7. After observing the license, Chief Mahony noticed the license was blistered and bent and the age difference as well as the difference in facial features was noticeable.

8. The alcoholic beverages that were purchased included an eighteen (18) pack of Miller beer, one (1) can of Joose Green Apple malt beverage and one (1) can of Joose Raspberry Lemonade malt beverage.
9. The alcoholic beverages were taken into Commission possession as evidence.
10. Chief Mahony notified the manager of the violation and provided him the opportunity to view the license which was used to purchase the alcoholic beverages by the youthful male.
11. Administrative Review of the file indicates this was the first violation by the licensee in fourteen (14) years of family ownership.

### CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §34. Therefore, the Commission issues a **WARNING**.

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner\_\_\_\_\_

Kim S. Gainsboro, Chairman\_\_\_\_\_

Robert H. Cronin, Commissioner\_\_\_\_\_

Dated: March 8, 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 days of receipt of this decision.

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