

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

SWAMINI LLC DBA ZULLY'S WINE & SPIRITS
1240 KEMPTON ST
NEW BEDFORD, MA 02740
LICENSE#: 077800176
VIOLATION DATE: 10/09/2014
HEARD: 12/17/2014

Swamini LLC dba Zully's Wine & Spirits (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 Wednesday, December 17, 2014, regarding an alleged violation of Ch. 138, §34 – Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Velez's Investigative Report dated October 9, 2014; and
3. License printout of the underage patron.

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

FACTS

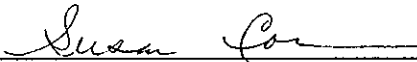
1. On Thursday, October 9, 2014 at approximately 9:30 p.m., Investigators Binienda, Carey and Velez were conducting surveillance of the above licensed premises.
2. While outside of the licensed premises, Investigators observed a youthful looking male carrying an 18-pack of Busch beer and a brown paper bag. After the Investigators' inspection, the following contents were later identified as 2 40oz bottles of Colt 45 beer. The male individual was later identified as Taylor Cacciola of Dedham, MA, Drivers' License # [REDACTED] actual date of birth [REDACTED] (age 20).
3. Investigator Binienda asked to see proof of legal drinking age, at which point Mr. Cacciola presented Investigator Binienda with a fake Oregon ID bearing his own name with an address in Salem, OR, and a date of birth of [REDACTED] (age 22).
4. Investigators Carey and Velez entered the licensed premises and spoke to the clerk on duty, identified as Drew Geier.
5. Investigators informed the clerk that a violation has occurred and a violation report would be submitted to the Chief Investigator for further action.

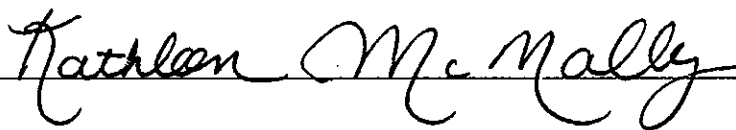
3366 5383 1

CONCLUSION

Based on the evidence, the Commission finds the licensee violated Ch. 138, §34 – Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). 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

Susan Corcoran, Commissioner 

Kathleen McNally, Commissioner 

Dated: December 17, 2014

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
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Administration
File