



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150-2358*

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**THE BUTCHERY INC. D/B/A NEWBURY BUTCHERY  
2 MORGAN AVE  
NEWBURY, MA 01951  
LICENSE#: 00018-PK-0794  
VIOLATION DATE: 5/02/2023  
HEARD: 10/10/2023**

The Butchery Inc. d/b/a Newbury Butchery (“Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Tuesday, October 10, 2023, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigators Anderson and Bolcome’s Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Anderson and Bolcome’s Minimum Purchase Age Compliance Check Field Report, 5/2/2023;
  2. ABCC Form 43, New License Approval, 3/22/2007;
  3. Licensee’s Stipulation of Facts;
- A. TIPS Certificates of Completion (5).

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

**FINDINGS OF FACT**

1. On Tuesday, May 2, 2023, at approximately 6:55 p.m., Investigators Anderson and Bolcome (“Investigators”) conducted a compliance check at The Butchery Inc. d/b/a Newbury Butchery.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one 24-ounce Twisted Tea malt beverage, for three dollars (\$3.00). The underage operative was not asked for identification.

3. Matthew Tilley, General Manager, and Ryan Crowley, Store Manager, appeared on behalf of the Licensee at the Commission hearing. Mr. Tilley testified the Licensee's point-of-sale system instructed employees to request identification but, in this instance, the employee failed to do so. Mr. Tilley spoke of modifications undertaken after this incident. He stated the point-of-sale system now scans identifications and keeps a record to ensure employees are scanning, and a free-standing scanner was also purchased. He further testified that all employees have since received additional training.
4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2007 with no prior violations.

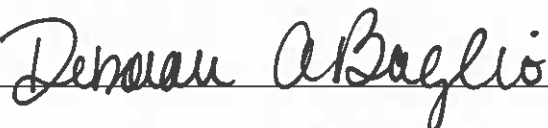
CONCLUSION

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. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. As a result, the Commission issues a **WARNING**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman \_\_\_\_\_ 

Crystal Matthews, Commissioner \_\_\_\_\_ 

Deborah A. Baglio, Commissioner \_\_\_\_\_ 

Dated: October 17, 2023

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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2023-000132-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Melissa Anderson, Investigator  
David Bolcome, Investigator  
Administration, File