

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

ROBERT C. DUCOTT, JR. DBA DICK'S VARIETY
29 PLUM ISLAND BLVD
NEWBURY, MA 01951
LICENSE#: 079400009
VIOLATION DATE: 05/26/2014
HEARD: 12/2/2014

Robert C. Ducott, Jr. dba Dick's 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, December 2, 2014, regarding the alleged violation of c. 138, §33 – Sale and delivery of alcoholic beverages on election days, Sundays and legal holidays (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Doyle's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Doyle's Investigative Report dated June 7, 2014.

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


FACTS

1. On Saturday, June 7, 2014, at approximately 5:00 p.m., Investigators Carey and Doyle investigated the business operation of Robert C. Ducott, Jr. dba Dick's Variety to determine the manner in which their business was being conducted and to investigate a complaint, filed with this Commission, that this licensee had sold alcoholic beverages on Memorial Day (May 26, 2014).
2. Investigators identified themselves to the clerk on duty and asked to speak to the owner or manager. The clerk contacted the owner via telephone.
3. Approximately ten minutes later, a man identified himself as Robert Ducott, the owner and manager. Investigators informed Mr. Ducott of the complaint.
4. Mr. Ducott stated that he did sell alcoholic beverages on Memorial Day.
5. Mr. Ducott retrieved a copy of the Boston Globe newspaper dated Monday, May 26, 2014. The newspaper stated "liquor stores open at owners' discretion."
6. Mr. Ducott stated that he only sold alcoholic beverages after a customer pointed out the newspaper article to him.
7. Investigator Doyle informed Mr. Ducott of the violation and that a report would be filed with the Chief Investigator for further action.


CONCLUSION

Based on the evidence, the Commission finds the licensee violated c. 138, §33 - Sale and delivery of alcoholic beverages on election days, Sundays and legal holidays (1 count). As the licensee has been in business for over 15 years and has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner 

Dated: December 9, 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
Brad Doyle, Investigator
Jack Carey, Investigator
Administration
File