



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

**WINE & BEER AT THE ANDOVERS LLC
D/B/A LIQUOR, WINE, & BEER AT THE ANDOVERS
350 WINTHROP AVENUE
NORTH ANDOVER, MA 01845
LICENSE#: 082600054
VIOLATION DATE: 05/20/2016
HEARING DATE: 11/08/2016**

Wine & Beer At The Andovers LLC d/b/a Liquor, Wine, & Beer At The Andovers (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, November 8, 2016, 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 Bailey's Report.

The following documents are in evidence:

1. Investigator Bailey's Compliance Check Field Report dated May 20, 2016;
2. Licensee's Stipulation of Facts; and
3. Photo of Underage Operative.

A. Letter dated October 6, 2016 from North Andover Police Department.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Friday, May 20, 2016, at approximately 7:58 p.m., Investigators Doyle and Bailey investigated the business operation of Wine & Beer at the Andovers LLC d/b/a Liquor, Wine, & Beer at the Andovers.

2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 25 oz. can of Budweiser Light beer for two dollars and eighty cents (\$2.80). 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. 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

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: November 8, 2016

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
Rose Bailey, Investigator
Brad Doyle, Investigator
Administration, File