



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

Jean M. Lorizio, Esq.
Chair

DECISION

**L & M AUTO INC. D/B/A PAPA'S HEALTHY FOOD & FUEL
2000 EAST OTIS ROAD
OTIS, MA 01029
LICENSE#: 00012-PK-0936
VIOLATION DATE: 9/04/2019
HEARD: 12/17/2019**

L & M Auto Inc. d/b/a Papa's Healthy Food & Fuel (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, December 17, 2019, 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 (21) years of age. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Gould's Report.

The following documents are in evidence:

1. Investigator Gould's Compliance Check Field Report;
 2. Licensee Stipulation of Fact;
 3. Copy of New License (All Alcoholic Beverages) Approval, 11/15/2018;
 4. Copy of New License (Wines & Malt Beverages) Application Approval, 6/21/2005;
 5. ABCC Decision, 6/16/2010.
- A. Letter from Employee, D. Gay, 12/9/2019;
B. Licensee's Alcohol Hearing Outline;
C. Licensee's Alcohol & Tobacco Sales Policy.

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

FACTS

1. On Wednesday, September 4, 2019, at approximately 5:36 p.m., Investigators Kujawski and Gould ("Investigators") conducted an investigation of the business operation of L & M Auto Inc. d/b/a Papa's Healthy Food & Fuel.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 12-ounce container of Bud Light beer, for one dollar and seventy-one cents (\$1.71). The underage operative was not asked for identification.

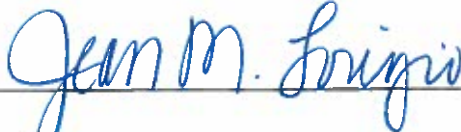
3. At the Commission hearing the owner, Larry Southard, testified all employees have received additional training and he now cards patrons who appear to be 40 years of age or under.
4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2005 with one prior compliance check violation in 2010.

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 (21) years of age. The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



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

Crystal Matthews, Commissioner



Dated: December 30, 2019

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
Kyle E. Gill, Esq., Associate General Counsel
Brian Gould, Investigator
Jan Kujawski, Investigator\
Mail to: P.O. BOX 526 East Otis
Administration, File