

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

AMENDED

NOTICE OF SUSPENSION

December 28, 2011

SITA LIQUORS, INC. DBA CENTRAL LIQUORS
17 CENTRAL STREET
PEABODY, MASSACHUSETTS 01960
LICENSE#: 095600062
HEARING HELD: 11/15/2011

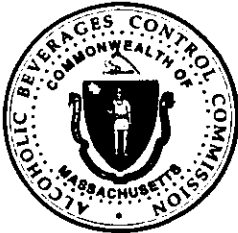
After a hearing on November 15, 2011, the Commission finds Sita Liquors, Inc. dba Central Liquors in violation of M.G.L. c.138, §34.

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, January 25, 2012** and terminate on **Thursday, January 26, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 25, 2012 at 9:00 A.M. It will be returned to the licensee Friday, January 27, 2012.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Paul Capurso, Investigator
Arthur Pearlman, Esq. via facsimile
Administration
File



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

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

December 14, 2011

SITA LIQUORS, INC. DBA CENTRAL LIQUORS
17 CENTRAL STREET
PEABODY, MASSACHUSETTS 01960
LICENSE#: 095600062
HEARING HELD: 11/15/2011

After a hearing on November 15, 2011, the Commission finds Sita Liquors, Inc. dba Central Liquors in violation of M.G.L. c.138, §34.

The Commission **suspends the licensee's license for a total of five (5) days to be served.** The suspension shall commence on **Wednesday, January 25, 2012** and terminate on **Sunday, January 29, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 25, 2012 at 9:00 A.M. It will be returned to the licensee Monday, January 30, 2012.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant. **No fine in lieu of suspension will be accepted for two (2) of the five (5) days suspension to be served.**

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Paul Capurso, Investigator
Rose Egan-Bailey, Investigator
Arthur Pearlman, Esq. via facsimile
Administration
✓ File



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

SITA LIQUORS, INC. DBA CENTRAL LIQUORS
17 CENTRAL STREET
PEABODY, MASSACHUSETTS 01960
LICENSE#: 095600062
HEARING HELD: 11/15/2011

Sita Liquors, Inc. dba Central Liquors (the "Licensee") holds an All Alcoholic Beverages Package Store License issued pursuant to Massachusetts General Laws chapter 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 15, 2011, regarding an alleged violation of M. G. L. c. 138, §34: *Sale of Alcoholic Beverages to Persons Under Twenty-One (21) Years Of Age*. Prior to the commencement of the hearing, the Licensee stipulated to the facts and the violation alleged in Investigator Paul Capurso's Investigative Field Report.

The following documents are in evidence as Exhibits:

1. Investigator Capurso's Field Report dated July 22, 2011;
2. Massachusetts Criminal Justice Information Services Driver's License Inquiry Printout;
and
3. Licensee's Stipulation of Facts.

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

FACTS

1. On July 22, 2011, at approximately 10:00 p.m., Commission Investigators Capurso and Wilichoski conducted a stationary surveillance of the licensed premises operating as a package store, Sita Liquors, Inc. dba Central Liquors, to determine the manner in which the premises was being operated, and to prevent underage drinking.
2. While monitoring the premises, Investigator Capurso testified that he observed a patron, who appeared to be under the age of twenty-one (21), walking out of the premises carrying alcoholic beverages.

3. Investigators Capurso and Wilichoski approached the female, who was carrying a twelve (12) pack of Budweiser Lime beer. The investigators asked to see identification and proof of age from the female patron. The patron produced her Massachusetts Driver's License. The female patron stated that she was nineteen (19) years of age.
4. The underage patron told Investigators Capurso and Wilichoski that she was not asked for any identification or proof of age before making the purchase, and that she has purchased alcoholic beverages at this licensed premises in the past.
5. At the conclusion of the presentation of the evidence, Investigator Capurso conducted an administrative review of the file. He testified before the Commission that the licensee has two previous violations for the same offense, M. G. L. c. 138, §34: *Sale of Alcoholic Beverages to Persons Under Twenty-One (21) Years Of Age*. The first violation occurred in 2008 for which the licensee received a two (2) day suspension; and the second violation occurred in 2009 for which the licensee received a four (4) day suspension. The Commission, after a hearing, finds that the Licensee has committed a violation of MGL c. 138, §34.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for ten (10) days of which five (5) days will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. No fine in lieu of suspension will be accepted for two (2) of the five (5) days suspension to be served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman

Kathleen McNally, Commissioner

Dated: December 14, 2011

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
Paul Capurso, Investigator
Rose Egan-Bailey, Investigator
Arthur Pearlman, Esq. via facsimile
Administration
File