



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

VERC ENTERPRISES, INC. DBA PEMBROKE MOBILE
145 CHURCH STREET
PEMBROKE, MA 02359
LICENSE#: 096000060
VIOLATION DATE: 05/22/2015
HEARD: 08/11/2015

Verc Enterprises, Inc. dba Pembroke Mobile (the "Licensee") holds an alcohol beverage license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, August 11, 2015, regarding the alleged violation of M.G.L. c. 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 violation alleged in Chief Investigator Mahony's Report.

The following documents are in evidence:

1. Chief Investigator Mahony's Investigative Report dated May 22, 2015;
2. Licensee's Stipulation of Facts; and
3. Registry of Motor Vehicles Printout for Underage.

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

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

FACTS

1. On Friday, May 22, 2015, at approximately 9:05 p.m., Chief Investigator Mahony ("Chief") investigated the business operation of Verc Enterprises, Inc. dba Pembroke Mobile to determine the manner in which its business was being conducted.
2. Chief Mahony observed a motor vehicle with three youthful appearing male individuals in front of the licensed premises. The rear passenger of the vehicle entered the licensed premises and exited a short time later in possession of alcoholic beverages, which he placed in the vehicle.
3. Chief Mahony approached the motor vehicle and requested to see proof of legal age from the individuals in the car. All were under 21 years of age.
4. Underage male no.1, actual date of birth 11/06/1994 (age 20) had purchased the alcoholic beverages, one case of Budweiser Light beer, two 24-ounce cans of Twisted Tea hard iced tea, and one 24-ounce can of Yuengling beer.
5. Underage male no. 1 stated he had purchased the alcoholic beverages from a male clerk, and that he had not been asked for identification at the point of sale.

6. The other male individuals with underage male no. 1 were underage no. 2, actual date of birth 03/14/1995 (age 19) and underage no. 3, actual date of birth 04/16/1995 (age 19).
7. Chief Mahony entered the licensed premises and identified himself to the clerk on duty, Robert Getchell. Mr. Getchell initially did not recall making a sale to the underage male, and then remembered it. Mr. Getchell stated that the underage male had provided him with identification on previous occasions which indicated the underage male was approximately age 28.
8. Mr. Getchell stated that on this occasion, he did not ask the underage male no. 1 for identification.
9. Chief Mahony informed Mr. Getchell of the violation and that a report would be submitted to the Commission for further action.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, §34 Sale or delivery of an alcoholic beverage to a person under twenty-one 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

Kim S. Gainsboro, Chairman

Kathleen McNally, Commissioner

Dated: August 12, 2015

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
Louis B. Cassis, Esq. via facsimile 617-472-9028
Administration
File