



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

November 8, 2023

**BEAM-W ENTERPRISES, LLC D/B/A A THING OR TWO VARIETY
228 FRANCIS AVENUE
PITTSFIELD, MA 01201
LICENSE#: 89784-PK-0974
VIOLATION DATE: 6/22/2023
HEARD: 10/03/2023**

After a hearing on October 3, 2023, the Commission finds Beam-W Enterprises, LLC d/b/a A Thing or Two Variety violated M.G.L. Ch.138 § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (2 Counts). The Commission **suspends the license for a period of two (2) days to be served.**

The suspension shall commence on Monday, January 8, 2024, and terminate on Tuesday, January 9, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, January 8, 2024, at 9:00 A.M. It will be returned to the licensee on January 10, 2024.

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 which must be signed by the Licensee and a Massachusetts Licensed Accountant.

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

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brian Gould, Investigator
Michael Teehan, Investigator
Officer Jessica Godfrey, Pittsfield Police Department
Administration, File



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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DECISION

BEAM-W ENTERPRISES, LLC D/B/A A THING OR TWO VARIETY
228 FRANCIS AVENUE
PITTSFIELD, MA 01201
LICENSE#: 89784-PK-0974
VIOLATION DATE: 6/22/2023
HEARD: 10/03/2023

Beam-W Enterprises, LLC d/b/a A Thing or Two Variety (the “Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Tuesday, October 3, 2023, regarding an alleged violation of M.G.L. Ch.138 § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (2 Counts). 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 Violation Report;
2. ABCC Licensing Authority Certification, Transfer of License Approved, 5/29/2020;
3. Licensee’s Stipulation of Facts.

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

FINDINGS OF FACT


1. On Thursday, June 22, 2023, at approximately 6:10 p.m., Investigators Teehan and Gould (“Investigators”) together with Pittsfield Police Officer Godfrey inspected the business operation of Beam-W Enterprises, LLC d/b/a A Thing or Two Variety. Officer Godfrey had received information that this licensee was selling alcoholic beverages to persons under the age of twenty-one.
2. While outside the licensed premises, Investigators observed two youthful appearing female individuals exit the establishment in possession of alcoholic beverages, which they placed inside a white motor vehicle.
3. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.

4. Underage #1, actual date of birth 7/14/2006 (age 16), provided to Investigators her true Massachusetts Junior Operator driver's license. She stated to Investigators that she was not asked for identification when she purchased the alcoholic beverages.
5. Underage #2, actual date of birth 7/06/2006 (age 16) stated to Investigators that she was not asked for identification when she purchased the alcoholic beverages. She provided Investigators with her temporary Massachusetts Junior Operator driver's license.
6. Investigators contacted the parents of the underage individuals to advise them what had occurred. Investigators confiscated six 25-ounce cans of Twisted Tea malt beverage.
7. Based on their observations of the physical features and appearance of the females, it was clear that they were under the age of 21. Investigators formed the opinion that a reasonable person should have known that the identified individuals were not 21 years of age.
8. At approximately 6:20 p.m., Investigators entered the licensed premises and spoke to the lone clerk on duty, informed him of the violations and that a report would be filed with the Chief Investigator for further review.
9. Robert Nicholson, Licensee, appeared at the Commission hearing and testified his employees will request identification from all patrons going forward.
10. The Licensee has held a license under M.G.L. c. 138, § 15 since 2020 with no prior violations.


CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch.138 § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (2 Counts). As a result, the Commission **suspends the license for a period of two (2) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner 

Deborah A. Baglio, Commissioner 

Jean M. Lorizio, Chairman 

Dated: November 8, 2023

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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2023-000190-ad-enf

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