



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

**Jean M. Lorizio, Esq.**  
*Chairman*

NOTICE OF SUSPENSION

July 24, 2024

**BEAM-W ENTERPRISES, LLC D/B/A A THING OR TWO VARIETY  
228 FRANCIS AVENUE  
PITTSFIELD, MA 01201  
LICENSE#: 89784-PK-0974  
VIOLATION DATE: 10/14/2022  
HEARD: 12/12/2023**

After a hearing on December 12, 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 five (5) days to be served.**

**The suspension shall commence on Monday, September 9, 2024, and terminate on Friday, September 13, 2024.** The license will be delivered to the Local Licensing Board or its designee on Monday, September 9, 2024, at 9:00 A.M. It will be returned to the licensee on September 14, 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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2023-000233-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Brian Gould, Investigator  
Caroline Guarino, Investigator  
Jan Kujawski, Investigator  
Administration, File



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

**Jean M. Lorizio, Esq.**  
*Chairman*

**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: 10/14/2022  
HEARD: 12/12/2023**

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, December 12, 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 Approval, 5/29/2020;
3. ABCC Decision, 11/8/2023;
4. Licensee’s Stipulation of Facts.

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

**FINDINGS OF FACT**

1. On Friday, October 14, 2022, at approximately 5:30 p.m., Investigators Guarino, Kujawski, and Gould (“Investigators”) began conducting surveillance the business operation of Beam-W Enterprises, LLC d/b/a A Thing or Two Variety, and to investigate a complaint from the Pittsfield Police Department.
2. At approximately 5:55 p.m. while outside the licensed premises, Investigators observed a silver Hyundai motor vehicle parked across the street from the establishment.
3. Investigators observed a youthful appearing male individual exit the motor vehicle and enter the licensed premises. Minutes later, the male was observed exiting the establishment in possession of alcoholic beverages, which he placed inside the motor vehicle.

Investigators approached, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.

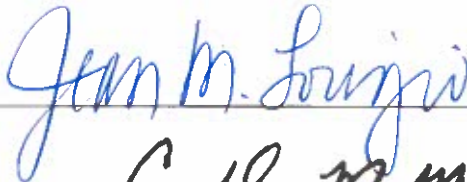
4. Underage #1, actual date of birth 8/03/2007 (age 15), informed Investigators that he was 15 years of age.
5. Investigators confiscated the alcohol: three sleeves of Deep Eddy vodka nips, one 6-pack of Twisted Tea malt beverage, and one 6-pack of Corona beer.
6. At approximately 6:20 p.m., Investigators observed a youthful appearing male individual enter the licensed premises and minutes later, exit the establishment in possession of alcoholic beverages. Investigators approached, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
7. Underage #2, actual date of birth 2/08/2003 (age 19) provided Investigators with his Massachusetts driver's license. Investigators confiscated one sleeve of Deep Eddy vodka nips.
8. At approximately 7:05 p.m., Investigators entered the licensed premises and spoke to the clerk on duty, informed him of the violations and that a report would be filed with the Chief Investigator for further review.
9. Robert Nickolson, Licensee, appeared at the Commission hearing.
10. The Licensee has held a license under M.G.L. c. 138, § 15 since 2020 with one prior violation.

#### CONCLUSION

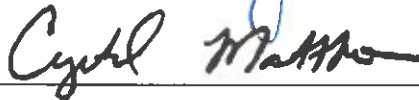
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (2 Counts). As a result, the Commission **suspends the license for a period of 5 days to be served.**

#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

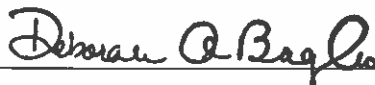
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: July 24, 2024

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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