



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

WSWAS INC. DBA WEST STREET WINE & SPIRITS
200 WEST STREET
PITTSFIELD, MA 01201
LICENSE#: 097400110
VIOLATION DATE: 08/21/2013
HEARD: 11/05/2013

WSWAS Inc. dba West Street Wine & Spirits (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 5, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 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 violation alleged in Investigator Carey's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
 2. Investigator Carey's Compliance Check Field Report dated August 21, 2013.
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- A. Berkshire United Way Letter re: Alcohol Purchase Survey dated October 5, 2009;
 - B. Berkshire United Way Letter re: Alcohol Purchase Survey dated January 6, 2010;
 - C. Berkshire United Way Letter re: Alcohol Purchase Survey dated January 7, 2011;
 - D. Berkshire United Way Letter re: Alcohol Purchase Survey dated December 31, 2012;
 - E. Berkshire United Way Letter re: Alcohol Purchase Survey dated April 11, 2013; and
 - F. Berkshire United Way Letter re: Alcohol Purchase Survey dated July 31, 2013.

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

FACTS

1. On Wednesday, August 21, 2013, at approximately 6:42 p.m., Investigators Doyle and Carey conducted an investigation of the business operation of WSWAS Inc. dba West Street Wine & Spirits.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a 6-pack of Budweiser Light beer for seven dollars and seventy cents (\$7.70). The underage operative was not asked for identification.

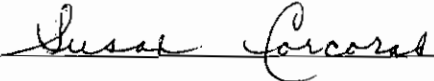
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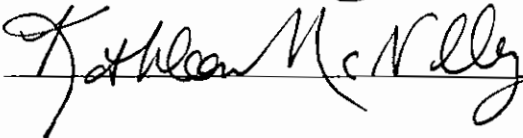
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CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. As the licensee has been in business for ten (10) years and has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner 

Kathleen McNally, Commissioner 

Dated: November 5, 2013

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
Jack Carey, Investigator
Brad Doyle, Investigator
Administration
File