

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

Sloven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

ZENNER'S PUB & DELI, INC DBA ZEN'S PUB
303 TYLER ST
PITTSFIELD, MA 01201
LICENSE#: 097400036
VIOLATION DATE: 05/30/2014
HEARD: 09/16/2014

Zenner's Pub & Deli, Inc. dba Zen's Pub (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September 16, 2014, regarding an alleged violations of Ch.138, §23 - Sale of Alcoholic Beverages other than those purchased from a licensee under §§18 or 19 or from a holder of a special permit under §22A (3 Counts); and Ch. 138, §2 Illegal Storage of Alcoholic Beverages. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Teehan's Violation Report dated May 30, 2014.

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

FACTS

1. On Friday, May 30, 2014, at approximately 10:00 PM, Investigators Kenny and Teehan along with members of the Pittsfield Police Department investigated the business operation of Zenner's Pub & Deli Inc.
2. Upon entering the premises, Investigators identified themselves to the bartender on duty, later identified as Sue Polasky. The Investigators proceeded behind the bar area and observed 5 bottles of alcohol with package store labels that were whole or partially torn. The following bottles were observed:

2 bottles of 1.5L of Yellow Tail Wine
1 bottle of 750ML of Yellow Tail Cabernet-Merlot Wine
1 bottle of 750ML of Allure Pink Wine
1 bottle of 750ML of Pinot Grigio

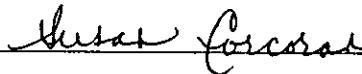
3. Ms. Polasky stated to Investigators that the owners purchased their wine at the liquor store they own next door.
4. In the course of the interview with the Investigators, Ms. Polasky stated that their alcoholic beverages are stored in their liquor store located next door. Ms. Polasky further stated that the lines for the draft beer are connected from the bar to the kegs that are also located in the liquor store.
5. Investigator Teehan informed Ms. Polasky of the violations and informed her that a report would be filed for further action.

CONCLUSION

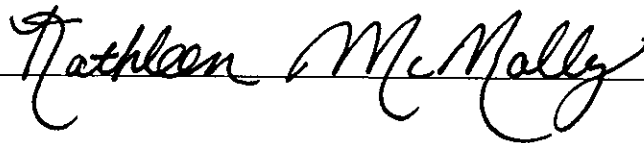
Based on the evidence, the Commission finds the licensee violated Ch.138, §23 - Sale of Alcoholic Beverages other than those purchased from a licensee under §§18 or 19 or from a holder of a special permit under §22A (3 Counts); and Ch. 138, §2 - Illegal Storage of Alcoholic Beverages. Therefore, the 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

Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: September 18, 2014

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
Michael Teehan, Investigator
Administration
File