



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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim F. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**ZUKE'S SOUP & VARIETY, LLC**  
**381 WEST STREET**  
**PITTSFIELD, MA 01201**  
**LICENSE#: 097400100**  
**VIOLATION DATE: 08/21/2013**  
**HEARD: 01/21/2014**

Zuke's Soup & Variety, LLC (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, January 21, 2014, 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. Investigator Carey's Compliance Check Field Report dated August 21, 2013; and
2. Licensee's Stipulation of Facts.
  - A. Letter dated April 11, 2013 from Pittsfield Prevention Partnership; and
  - B. Letter dated October 3, 2013 from Pittsfield Prevention Partnership.

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

**FACTS**

1. On Wednesday, August 21, 2013, at approximately 6:57 p.m., Investigators Doyle and Bailey conducted an investigation of the business operation of Zuke's Soup & Variety, LLC.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a twenty-four ounce (24 oz.) can of Budweiser Light beer for two dollars and thirty cents (\$2.30). The underage operative was not asked for identification.

3366 6458

1

### 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. 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 \_\_\_\_\_

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Susan Corcoran, Commissioner \_\_\_\_\_

Dated: January 21, 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  
Jack Carey, Investigator  
Brad Doyle, Investigator  
Administration  
File