



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

Jean M. Lorizio, Esq.
Chairman

DECISION

NANCY R. MCNICHOLAS D/B/A PLAZA PACKAGE
115 SAMOSET STREET
PLYMOUTH, MA 02361
LICENSE#: 89541-PK-0984
VIOLATION DATE: 5/25/2024
HEARD: 9/17/2024

Nancy R. McNicholas d/b/a Plaza Package (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, September 17, 2024, regarding an alleged violation of M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator David's Report.

The following documents are in evidence:

1. Investigator David's Report;
2. ABCC Approval Cover Sheet, Transfer of License Approved 4/12/2019;
3. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Saturday, May 25, 2024, at approximately 7:40 p.m., Investigators Teehan and David ("Investigators"), conducted surveillance of Nancy R. McNicholas d/b/a Plaza Package ("Licensee") to determine the way its business was being conducted.
2. Investigators observed a motor vehicle parked in front of the establishment. A youthful appearing male driver exited the vehicle and entered the licensed premises.
3. Shortly thereafter, the male exited the licensed premises in possession of alcoholic beverages: one 375 milliliter bottle of Smirnoff vodka, one 12-pack cans of Busch Light beer and one 6-pack bottles of Corona beer.
4. Investigators approached the vehicle, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.

5. The male, Underage #1, actual date of birth 6/23/2006 (age 18), stated to Investigators that he was not asked for any identification to purchase the alcohol.
6. At approximately 9:20 p.m. Investigators entered the licensed premises and spoke to the clerk about the violation. The clerk stated he did not ask Underage #1 for any identification as he had seen his identification in the past.
7. Investigators informed the clerk of the violation and that a report would be filed with the Chief Investigator for further action.
8. Nancy McNicholas, Licensee, appeared at the Commission hearing.
9. The Licensee has held a license under M.G.L. c. 138, § 15 since 2019 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 years of age (1 count). Therefore, the Commission **suspends the license for one (1) day which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

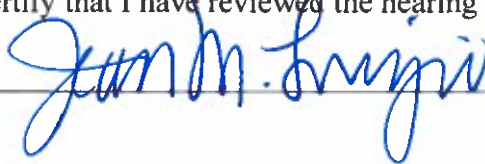


Deborah A. Baglio, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman



Dated: October 8, 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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यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए

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‘Đây là tài liệu quan trọng và cần được dịch ngay’

ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2024-000142-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Katherine McCormick Esq., Associate General Counsel
John David, Investigator
Michael Teehan, Investigator
Administration, File