

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

JILL F. ZELLEY DBA MOUNTAINSIDE MARKET
23 HUBBARDSTON RD.
PRINCETON, MA 01541
LICENSE#: 10000012
HEARD: 3/13/2012

Jill F. Zelley dba Mountainside Market (the "Licensee") holds an all-alcoholic beverages license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 13, 2012, regarding an alleged violation of M.G.L. c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's Compliance Check Field Report.

The following documents are in evidence:

1. Investigator Doyle's Compliance Check Field Report dated September 24, 2011; and
2. Licensee's Stipulation of Facts.
 - A. Sell Smart Check I.D. Pamphlet;
 - B. Photo of Poster on Door to Check I.D. Under 30;
 - C. Photo of Placard Next to Cash Register - I.D. Under 30;
 - D. Photo of Poster Next to Cash Register Explaining Mass. I.D.s;
 - E. Photo of Licensee's License - Posted at Premises; and
 - F. Photo of Poster at Door - To Have I.D. Ready if Under 30 Years of Age.

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

FACTS

1. On Saturday, September 24, 2011, at approximately 2:42 p.m., Investigators Jan Kujawski and Brad Doyle conducted an investigation of the business operation of Jill F. Zelley dba Mountainside Market.
2. An underage operative working with investigators purchased an alcoholic beverage, a six (6) pack of Heineken beer, for nine dollars and fifty cents (\$9.50). The underage operative was not asked for identification.

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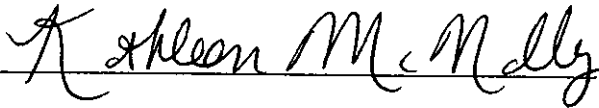
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CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. 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

Kathleen McNally, Commissioner



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

Kim S. Gainsboro, Chairman



Dated: March 14, 2012

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
Brad Doyle, Investigator
Administration
File