



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

FERNANDEZ BROTHERS LIQUORS III, INC.
D/B/A FERNANDEZ BROTHERS LIQUORS
1065 NORTH MAIN ST.
RANDOLPH, MA 02368
LICENSE#: 1008-00055
VIOLATION DATE: 5/17/2018
HEARING DATE: 8/14/2018

Fernandez Brothers Liquors III, Inc. d/b/a Fernandez Brothers Liquors (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, August 14, 2018, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. 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 Watson's Report.

The following documents are in evidence:

1. Investigator Watson's Compliance Check Field Report; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

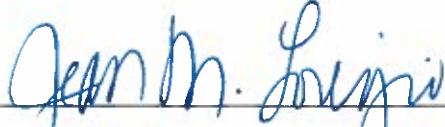
1. On Thursday, May 17, 2018, at approximately 7:11 p.m., Investigators Temple and Watson ("Investigators") investigated the business of Fernandez Brothers Liquors III, Inc. d/b/a Fernandez Brothers Liquors.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 25-ounce bottle of Bud Light beer, for two dollars and seventy-five cents (\$2.75). The underage operative was not asked for identification.

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: M.G.L. 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 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 occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: August 15, 2018

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Lisa Watson, Investigator
Christopher Temple, Investigator
Kevin M. Reilly, Esq. via facsimile 781-961-7343
Administration, File