

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

AMENDED NOTICE OF SUSPENSION

September 14, 2012

BOSCY'S LIQUORS, INC.
216 BROADWAY
SAUGUS, MA 01906
LICENSE#: 107800047
HEARD: 09/11/2012

After a hearing on September 11, 2012, the Commission finds Boscy's Liquors, Inc. in violation of M.G.L. c.138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 Count).

The Commission **suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, October 31, 2012 and terminate on Sunday, November 4, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 31, 2012 at 9:00 A.M. It will be returned to the licensee Monday, November 5, 2012.

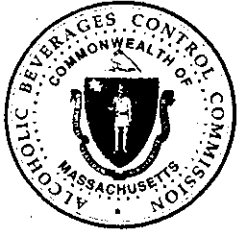
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Nelson C. Chong, Esq. 781-233-1920
✓ Administration
File



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

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NOTICE OF SUSPENSION

September 12, 2012

BOSCY'S LIQUORS, INC.
216 BROADWAY
SAUGUS, MA 01906
LICENSE#: 107800047
HEARD: 09/11/2012

After a hearing on September 11, 2012, the Commission finds Boscy's Liquors, Inc. in violation of M.G.L. c.138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 Count).

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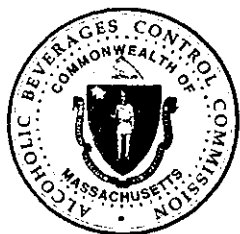
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ALCOHOLIC BEVERAGES CONTROL COMMISSION

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DECISION

BOSCY'S LIQUORS, INC.
216 BROADWAY
SAUGUS, MA 01906
LICENSE#: 107800047
HEARD: 09/11/2012

Boscy's Liquors, Inc. (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, September 11, 2012, regarding an alleged violation of M.G.L. c. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 Count) according to Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report dated May 18, 2012; and
2. RMV Printout for Mr. Nou.

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

FACTS

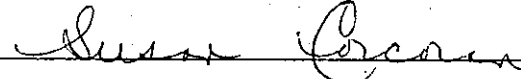
1. On Friday, May 18, 2012, at approximately 7:26 p.m., Investigators Capurso and Temple conducted an investigation of Boscy's Liquors, Inc. to determine the manner in which their business was being conducted.
2. Investigators conducted a stationary surveillance outside the licensed premises and observed a tan Nissan vehicle pull into the parking lot with three (3) youthful looking male occupants.
3. Investigators observed a male passenger, later identified as Mr. Nou, exit the vehicle, enter the licensed premises, and later exit the store in possession of a brown bag.
4. Investigators approached the vehicle, identified themselves, and asked to see proof of age from all the occupants.
5. The occupants stated they did not have identification but provided information to the investigators: Mr. Nou, date of birth June 25, 1991, age twenty (20) years; Mr. Karpenko, date of birth June 3, 1993, age eighteen (18) years; and Mr. McMaster, date of birth September 14, 1992, age nineteen (19) years.
6. Mr. Nou stated that he was not asked for identification when he purchased a 1 liter bottle of Smirnoff Vanilla vodka.
7. Investigators went into the licensed premises with Mr. Nou and spoke to the clerk on duty, Mr. Christopher Hamill.
8. Mr. Hamill stated that he did not ask Mr. Nou for identification when he made the sale.
9. Investigator Capurso informed Mr. Hamill that Mr. Nou was only twenty (20) years old.

10. Investigators then spoke with the owner, Mr. Harry Langcaster.
11. Investigators identified the underage to Mr. Langcaster, informed him of the violation, and that a report would be submitted to the Chief Investigator for review.


CONCLUSION

Based on the evidence, the Commission finds the licensee violated of M.G.L. c. 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 thirteen (13) days of which five (5) days will be served and eight (8) 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 

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

Kim S. Gainsboro, Chairman 

DATE: September 12, 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
Christopher Temple, Investigator
Nelson C. Chong, Esq. 781-233-1920
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