



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**H AND M SPIRITS INC D/B/A SOMERVILLE WINE AND SPIRITS
235 HIGHLAND AVENUE
SOMERVILLE, MA 02145
LICENSE#: 00090-PK-1130
VIOLATION DATE: 6/06/2023
HEARD: 11/07/2023**

H and M Spirits Inc d/b/a Somerville Wine and Spirits ("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, November 7, 2023, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigators Kenny and Watson's Minimum Purchase Age Compliance Check Field Report.

The following documents are In evidence:

1. Investigators Kenny and Watson's Minimum Purchase Age Compliance Check Field Report, 6/6/2023;
2. ABCC Form 43, Transfer of License Approval, 12/9/2009;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Tuesday, June 6, 2023, at approximately 6:23 p.m., Investigators Kenny and Watson ("Investigators") conducted a compliance check at H and M Spirits Inc d/b/a Somerville Wine and Spirits.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, a can of White Claw Mango Hard Seltzer, for three dollars and ninety-nine cents (\$3.99). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 2009 with no prior violations.

CONCLUSION

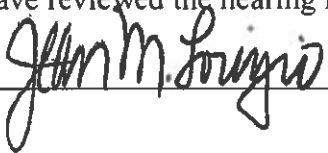
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

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: January 5, 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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。
यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए
Dokiman sa a enpòtan epi li ta dwe tradwi touswit
'Đây là tài liệu quan trọng và cần được dịch ngay'
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2023-000117-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Lisa Watson, Investigator
Mark Kenny, Investigator
Arthur Pearlman, Esq.
Administration, File