



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

BALAJI INC. D/B/A THOMAS VARIETY CONVENIENCE
58 E MAIN ST.
SOUTHBRIDGE, MA 01550
LICENSE#: 121800037
VIOLATION DATE: 05/25/2016
HEARD: 11/15/2016

Balaji Inc. d/b/a Thomas Variety Convenience (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, November 15, 2016, 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 Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Compliance Check Field Report dated May 25, 2016; and
2. Licensee's Stipulation of Facts.

A. TIPS Certificates for Employees.

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

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

FACTS

1. On Wednesday, May 25, 2016, at approximately 7:22 p.m., Investigators Di Cicco and Keefe ("Investigators") investigated the business operation of Balaji Inc. d/b/a Thomas Variety Convenience.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 12 ounce can of Coors Light beer for one dollar and thirty-five cents (\$1.35). The underage operative was not asked for identification.

CONCLUSION

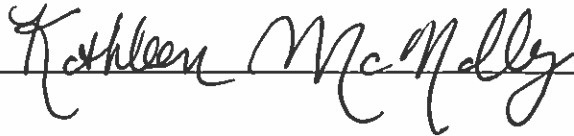
Based on the evidence the Commission finds the Licensee violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the Licensee has been in business for more than 15 years with no prior violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: November 16, 2016

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
Dennis Keefe, Investigator
Joseph Di Cicco, Investigator
Arthur Pearlman, Esq. via facsimile 508-875-7843
Administration, File