

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

Steven Grossman Troasurer and Receiver General Kim S. Gainsboro, Esq. Chairman

DECISION

DRAKE PETROLEUM CO, INC. DBA XTRA MART 94-96 MAIN ST SPENCER, MA 01562 LICENSE#: 122400019

VIOLATION DATE: 06/24/2013

HEARD: 10/29/2013

Drake Petroleum Co, Inc. dba Xtra Mart (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, October 29, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 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 Velez's Report.

The following documents are in evidence:

- Licensee's Stipulation of Facts; and
- 2. Investigator Velez's Compliance Check Field Report dated June 24, 2013.
- A. Licensee's Alcohol Training Policies and Training Certificates for Employees.

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

FACTS

- 1. On Monday, June 24, 2013, at approximately 5:20 p.m., Investigators Binienda and Velez conducted an investigation of the business operation of Drake Petroleum Co, Inc. dba Xtra Mart.
- 2. An underage operative, working with investigators, purchased an alcoholic beverage, a 6-pack of Budweiser Light beer for six dollars and twenty-nine cents (\$6.29). The underage operative was not asked for identification.

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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: 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 twenty (20) years and has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commis	ssioner Lun	- Lorcora

Kathleen McNally, Commissioner 1 athlew //c/ally

Dated: October 29, 2013

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

Nicholas Velez, Investigator Jamie Binienda, Investigator

Frank Eastman, Esq. via Facsimile 781-245-9001

Administration

File