

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
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Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 21, 2017

**LANPHERS MARKET LLC D/B/A LANPHERS MARKET
240 REDEMPTION ROCK TRAIL
STERLING, MA 01564
LICENSE#: 1234-00008
VIOLATION DATE: 06/12/2017
HEARING DATE: 09/19/2017**

After a hearing on September 19, 2017, the Commission finds Lanphers Market LLC d/b/a Lanphers Market 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.

The Commission suspends the license for four (4) days of which two (2) days will be served and two (2) days will be held day will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

By decision dated September 14, 2016, the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) day suspension. The Licensee will serve a total five (5) days.

The suspension shall commence on Wednesday, November 8, 2017 and terminate on Sunday, November 12, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 8, 2017 at 9:00 A.M. It will be returned to the licensee on Monday, November 13, 2017.

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 which must be signed by the Licensee and 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.

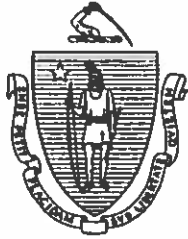
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Rose Bailey, Investigator
Brad Doyle, Investigator
Administration, File



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DECISION

LANPHERS MARKET LLC D/B/A LANPHERS MARKET
240 REDEMPTION ROCK TRAIL
STERLING, MA 01564
LICENSE#: 1234-00008
VIOLATION DATE: 06/12/2017
HEARING DATE: 09/19/2017

Lanphers Market LLC d/b/a Lanphers Market (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 19, 2017, 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 Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle'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 Monday, June 12, 2017, at approximately 7:04 p.m., Investigators Bailey and Doyle ("Investigators") investigated the business operation of Lanphers Market LLC d/b/a Lanphers Market.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 24-ounce can of Bud Light beer for two dollars and forty-five cents (\$ 2:45). 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 four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

By decision dated September 14, 2016, the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) day suspension. The Licensee will serve a total five (5) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Jean M. Lorizio, Chairman



Dated: September 21, 2017

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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