



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

Jean M. Lorizio, Esq.
Chairman

DECISION

BIG BUNNY MARKET INC. D/B/A MICKUCK'S FRESH MARKETPLACE
570 MAIN STREET
STURBRIDGE, MA 01518
LICENSE#: 00054-PK-1248
VIOLATION DATE: 5/17/2022
HEARD: 6/21/2022

Big Bunny Market Inc. d/b/a Mickuck's Fresh Marketplace ("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, June 21, 2022, 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 Investigator Fleming's Report.

The following documents are in evidence:

1. Investigator Fleming's Compliance Check Field Report dated 5/17/2022;
2. ABCC Form 43 New License Approval, 5/20/2002;
3. ABCC Decision, 6/23/2014;
4. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Tuesday, May 17, 2022, at approximately 6:55 p.m., Investigators Fleming and Keefe ("Investigators"), inspected the business operation of Big Bunny Market Inc. d/b/a Mickuck's Fresh Marketplace.
2. An underage operative, working with Investigators, purchased an alcoholic beverage, one 24-ounce can of Bud Light beer for two dollars and fifty-four cents (\$2.54). The underage operative was not asked for identification.
3. Justin Cournoyer, Vice President of the Licensee entity and store manager, appeared at the Commission hearing and testified serving a patron without requesting and checking identification goes against the Licensee's policy. He explained the cash registers prompt an employee to enter a patron's date of birth prior to making a sale but on this night, the employee bypassed that prompt. Mr. Cournoyer further stated that the cash registers have

been reprogramed so that an employee is no longer able to bypass the requirement of entering a patron's date of birth.

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. As a result, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

Crystal Matthews

Deborah A. Baglio, Commissioner

Deborah A. Baglio

Jean M. Lorizio, Chairman

Jean M. Lorizio

Dated: July 7, 2022

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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2022-000067-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Dennis Keefe, Investigator
Sean Fleming, Investigator
Administration, File