

Re: Rte. 38 Liquor, Inc.  
D/B/A: Smitty's Liquors  
Premise: 1091 Main Street  
City/Town: Tewksbury, MA 01876  
License #: 127000025  
Heard: August 10, 2010

### **DECISION**

Rte. 38 Liquor, Inc. dba Smitty's Liquors ("the licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §15. The Alcoholic Beverages Control Commission ("the Commission") held a hearing on August 10, 2010 regarding an alleged violation of Massachusetts General Laws c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jack Carey's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report of Investigator Jack Carey.

There is one (1) tape of this hearing.

### Facts

1. On, June 9, 2010 at approximately 6:20 p.m., Commission Investigators investigated the business operation Rte. 38 Liquors, Inc. dba Smitty's Liquors.
2. An underage operative, working with the investigators, purchased a can of Miller Light for \$2.33. The underage operative was not asked for identification.

### Conclusion

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for three (3) days of which (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman \_\_\_\_\_

Susan Corcoran, Commissioner \_\_\_\_\_

Robert Cronin, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 10<sup>th</sup> day of August 2010.

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 days of receipt of this decision.

cc:     Tewksbury Licensing Board  
          Frederick G. Mahony, Chief Investigator  
          File