

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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**SHIV'S CONVENIENCE INC. DBA SAM'S VARIETY**  
**2316 MAIN STREET**  
**TEWKSBURY, MA 01876**  
**LICENSE#: 127000070**  
**VIOLATION DATE: 04/07/2014**  
**HEARD: 06/17/2014**

Shiv's Convenience Inc. dba Sam's Variety (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, June 17, 2014, 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 Bailey's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Bailey's Investigative Report dated April 7, 2014.

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

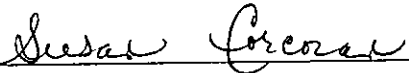
**FACTS**

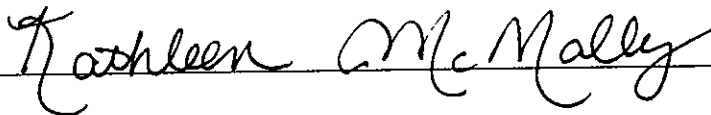
1. On Monday, April 7, 2014, at approximately 6:15 p.m., Investigators Doyle and Bailey conducted an investigation of the business operation of Shiv's Convenience Inc. dba Sam's Variety.
2. An underage operative, working with investigators, purchased a forty (40 oz.) bottle of Budweiser Light beer for three dollars and twenty five cents (\$3.25). 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: 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 three (3) days of which three (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**

Susan Corcoran, Commissioner 

Kathleen McNally, Commissioner 

Dated: June 23, 2014

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  
         Rose Bailey, Investigator  
         Brad Doyle, Investigator  
         Administration  
         File