

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

September 4, 2012

ANJALI, INC. DBA SUN CITY VARIETY
240 LAKEVIEW AVENUE
TYNGSBOROUGH, MA 01879
LICENSE#: 129800050
HEARD: 08/28/2012

After a hearing on August 28, 2012, the Commission finds Anjali, Inc. dba Sun City Variety in violation of 204 CMR 2.05 (2), to wit: c.138, §34.

The Commission **suspends the licensee's license for a total of six (6) days to be served. The suspension shall commence on Wednesday, October 24, 2012 and terminate on Monday, October 29, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 24, 2012 at 9:00 A.M. It will be returned to the licensee Tuesday, October 30, 2012.

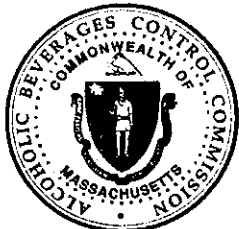
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

Kim S. Gainsboro
Chairman

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



The Commonwealth of Massachusetts
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DECISION

ANJALI, INC. DBA SUN CITY VARIETY
240 LAKEVIEW AVENUE
TYNGSBOROUGH, MA 01879
LICENSE#: 129800050
HEARD: 08/28/2012

Anjali, Inc. dba Sun City 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, August 28, 2012, regarding an alleged violation of 204 CMR 2.05(2), to wit: c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Doyle's Compliance Check Field Report.

The following documents and physical items are in evidence:

1. Investigator Doyle's Compliance Check Field Report dated May 4, 2012;
2. Licensee's Stipulation of Facts;
3. Notice of Violation dated May 4, 2012;
4. Picture of Underage Operative;
5. Compliance Check Guidelines;
6. Breathalyzer Results for Underage Operative;
7. Can of Budweiser beer; and
8. CD-ROM of Security Camera Footage from Store.

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

FACTS

1. On Friday, May 4, 2012 at approximately 7:26 p.m., Investigators Bailey and Doyle conducted an investigation of the business operation of Anjali, Inc. dba Sun City Variety.
2. An underage operative working with investigators purchased an alcoholic beverage, a twelve ounce (12 oz.) can of Bud Light beer for one dollar and seventy-five cents (\$1.75). The underage operative was not asked for identification.

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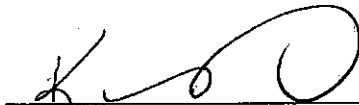
CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2), to wit: M.G.L. c. 138, §34. Therefore, the Commission **suspends the license for six (6) days of which three (3) days will be served and 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.**

By decision dated August 20, 2010, 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 three (3) day suspension. The licensee will serve a total six (6) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



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

Kathleen McNally, Commissioner



Dated: September 4, 2012

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
Brad Doyle, Investigator
Rose Bailey, Investigator
Administration
File