



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**MACS SHELL SERVICE INC.
D/B/A MAC'S AUTO REPAIR & CONVENIENCE STORE
77 EAST MAIN STREET
WEBSTER, MA 01570
LICENSE#: 00059-PK-1342
VIOLATION DATE: 5/24/2022
HEARD: 8/02/2022**

Macs Shell Service Inc. d/b/a Mac's Auto Repair & Convenience Store ("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, August 2, 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 Temple's Compliance Check Field Report.

The following documents are in evidence:

1. Investigator Temple's Compliance Check Field Report;
2. ABCC Form 43, New License Approval, 4/20/2000;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Tuesday, May 24, 2022, at approximately 6:13 p.m., Investigators Terasconi and Temple ("Investigators"), inspected the business operation of Macs Shell Service Inc. d/b/a Mac's Auto Repair & Convenience Store.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one 24-ounce bottle of Bud Light beer, for one dollar and eighty-nine cents (\$1.89). The underage operative was not asked for identification.
3. Francis Iwanski, Manager, appeared at the Commission hearing on behalf of the Licensee. Ms. Iwanski testified all employees were retrained regarding the sale of alcoholic beverages and in addition, the Licensee purchased a new point of sale system. The system

was to have been installed shortly after the Commission hearing and would prompt an employee at each sale to examine the patron's 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. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, 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: August 15, 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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2022-000088-ad-enf

- cc: Local Licensing Board
- Frederick G. Mahony, Chief Investigator
- Kyle E. Gill, Esq., Associate General Counsel
- Christopher Temple, Investigator
- Nicole Terasconi, Investigator
- Administration, File