

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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

WELLFLEET SPIRITS SHOPPE INC. D/B/A WELLFLEET SPIRITS SHOPPE
309 MAIN STREET
WELLFLEET, MA 02667
LICENSE#: 134800018
VIOLATION DATE: 06/22/2016
HEARING DATE: 11/22/2016

Wellfleet Spirits Shoppe Inc. d/b/a Wellfleet Spirits Shoppe (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, November 22, 2016, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. 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 Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Compliance Check Field Report dated June 22, 2016; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS


1. On Wednesday, June 22, 2016, at approximately 6:05 p.m., Investigators Velez and Binienda ("Investigators") investigated the business operation of Wellfleet Spirits Shoppe Inc. d/b/a Wellfleet Spirits Shoppe.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 6-pack of Budweiser Light beer for seven dollars and forty cents (\$7.40). 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: M.G.L. c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. . As the Licensee has been in business more than 40 years with no prior violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: November 23, 2016

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Administration, File