



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**FUEL FIRST ELM OP INC. D/B/A SPARKY'S
173 ELM STREET
WEST SPRINGFIELD, MA 01089
LICENSE#: 00069-PK-1418
VIOLATION DATE: 5/03/2023
HEARD: 11/07/2023**

Fuel First Elm Op Inc. d/b/a Sparky's ("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, November 7, 2023, 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 Investigators Gould and Kujawski's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Gould and Kujawski's Minimum Purchase Age Compliance Check Field Report. 5/3/2023;
2. ABCC Form 43, New License Approval, 12/22/2015;
3. Licensee's Stipulation of Facts;
4. ABCC Decision, 8/1/2017.

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

FINDINGS OF FACT

1. On Wednesday, May 3, 2023, at approximately 5:35 p.m., Investigators Gould and Kujawski ("Investigators") conducted a compliance check at Fuel First Elm Op Inc. d/b/a Sparky's.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, a 25-ounce can of Bud Light beer for four dollars (\$4.00). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 2015 with one prior violation which occurred over five (5) years ago.

CONCLUSION

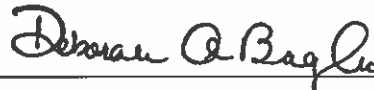
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

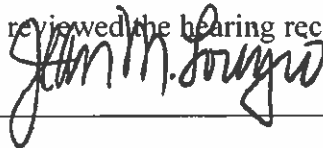


Deborah A. Baglio, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman



Dated: January 5, 2024

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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2023-000139-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jan Kujawski, Investigator
Brian Gould, Investigator
Administration, File