

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**ANDERSON FAMILY ENTERPRISES INC. D/B/A RYAN'S PACKAGE STORE
33-39 FRANKLIN ST.
WESTFIELD, MA 01085
LICENSE#: 0430-00034
VIOLATION DATE: 5/04/2018
HEARD: 6/26/2018**

Anderson Family Enterprises Inc. d/b/a Ryan's Package Store (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 26, 2018, 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 (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Kujawski's Report.

The following documents are in evidence:

1. Investigator Kujawski's Investigative Report;
2. Licensee's Stipulation of Facts; and
3. RMV Printout for Underage.

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

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

FINDINGS OF FACT


1. On Friday, May 4, 2018, Investigators Wilichoski and Kujawski ("Investigators") conducted an investigation of the business operation of Anderson Family Enterprises Inc. d/b/a Ryan's Package Store to determine the manner in which its business was being conducted.
2. At approximately 5:25 p.m. while in the parking lot of the premises, Investigators observed a youthful appearing individual exit the licensed premises pushing a shopping cart containing alcoholic beverages.
3. Investigators identified themselves and asked to see proof of legal age.
4. Underage #1, actual date of birth 10/20/1998 (age 19) was in possession of one 36-pack of Natural Light beer; two 12-packs of Angry Orchard Hard Cider; and one 4-pack of John Daly's Hard Iced Tea with Lemon.

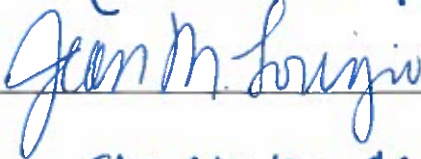
5. The minor initially claimed to be 24 years of age but could not provide any identification to Investigators. She stated that she was not asked for identification when she purchased the alcoholic beverages. The minor later admitted to being 19 years of age.
6. Investigators entered the premises with the minor and identified her to the clerk on duty, Anthony Manzi. Manzi informed Investigators that he had sold alcoholic beverages to the minor without asking for any identification.
7. Investigators informed Mr. Manzi of the violation and that a report would be filed with the Chief Investigator for review.


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 (1 count). Therefore, the Commission **suspends the license for a period of four (4) days which 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

Kathleen McNally, Commissioner 

Jean M. Lorizio, Chairman 

Elizabeth A. Lashway, Commissioner 

Dated: June 28, 2018

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
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Administration, File