

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

DECISION

**MRS. PHIPPS INC.
485 EAST MAIN STREET
WESTFIELD, MA 01085
LICENSE#: 144000063
VIOLATION DATE: 09/23/2016
HEARD: 04/11/2017**

Mrs. Phipps Inc. (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, April 11, 2017, regarding an alleged violation of 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 start of the hearing, the Licensee stipulated to the violation in Investigator Keefe's report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report;
2. Licensee's Stipulation of Facts;
3. RMV Printout of Underage Male; and
4. Photocopy of Fraudulent New Hampshire Driver's License.

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

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

FINDINGS OF FACT

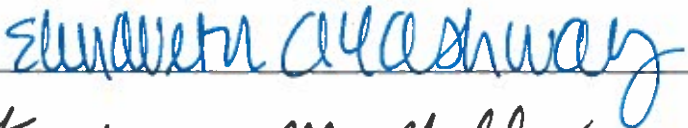
1. On Friday, September 23, 2016, at approximately 6:30 p.m., Investigators Teehan and Keefe ("Investigators") conducted an investigation of the business operation Mrs. Phipps Inc. to determine the way its business was being conducted.
2. While outside the licensed premises, Investigators observed a youthful appearing male exit the premises in possession of alcoholic beverages, two bottles of New Amsterdam vodka and a 30-pack of Natural Lite beer.
3. Investigators approached the male individual, identified themselves, and asked for proof of legal age.
4. Underage male, actual date of birth 12/25/1997 (age 18) presented Investigators with a fraudulent New Hampshire driver's license.
5. Investigators entered the establishment with the underage, who identified the clerk on duty, Jordan King, as the man who sold him the alcoholic beverages.

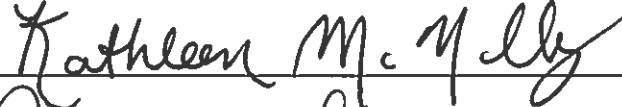
6. Investigators advised Mr. King that the New Hampshire license was not one of the forms of identification upon which he could reasonably rely.
7. Investigators informed Mr. King of the violation and that a report would be filed with the Chief Investigator for further action.
8. Administrative review of the Commission's file shows that the Licensee has been in business for more than 30 years without any prior violations.

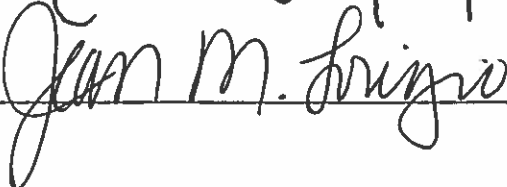
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 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 five (5) days of which five (5) days 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

Elizabeth Lashway, Commissioner 

Kathleen McNally, Commissioner 

Jean M. Lorizio, Chairman 

Dated: April 12, 2017

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.

<p>This document is important and should be translated immediately. Este documento es importante y debe ser traducido inmediatamente. Este documento é importante e deve ser traduzido imediatamente. Ce document est important et devrait être traduit immédiatement. Questo documento è importante e dovrebbe essere tradotto immediatamente. Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. 这份文件是重要的，应立即进行翻译。</p>

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Michael Teehan, Investigator
Administration, File