

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

**Jean M. Lorizio, Esq.**  
Chairman

**DECISION**

**DEVLING, INC. D/B/A DEPOT GENERAL STORE  
160 STATE ROAD EAST (DEPOT RD. & RTE. 2)  
WESTMINSTER, MA 01473  
LICENSE#: 00010-PK-1446  
VIOLATION DATE: 8/28/2019  
HEARD: 12/10/2019**

Devling, Inc. d/b/a Depot General Store (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, December 10, 2019, 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 (21) years of age. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Smith's Report.

The following documents are in evidence:

1. Investigator Smith's Compliance Check Field Report;
2. Licensee Stipulation of Fact;
3. Copy of License Transfer Application Approval, 5/6/1993.

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

**FACTS**

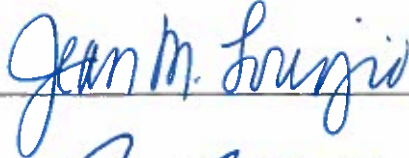
1. On Monday, August 28, 2019, at approximately 7:26 p.m., Investigators Velez and Smith ("Investigators") conducted an investigation of the business operation of Devling, Inc. d/b/a Depot General Store.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 24-ounce can of Bud Light beer, for two dollars and ninety-nine cents (\$2.99). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 1993 with no prior violations.

### 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 (21) years of age. The Commission issues a **WARNING**.

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: December 10, 2019

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  
Kyle E. Gill, Esq., Associate General Counsel  
Nicole Smith, Investigator  
Nicholas Velez, Investigator  
Administration, File