



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

*Deborah D. Goldberg*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**NOURIA ENERGY RETAIL, INC. D/B/A WINCHENDON IRVING**  
**93 GARDNER ROAD**  
**WINCHENDON, MA 01475**  
**LICENSE#: 148400053**  
**VIOLATION DATE: 05/28/2015**  
**HEARING DATE: 12/08/2015**

Nouria Energy Retail, Inc. d/b/a Winchendon Irving (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, December 8, 2015, 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 Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Compliance Check Field Report dated August 6, 2015; and
2. Licensee's Stipulation of Facts.

A. Training Certificates for Licensee's Employee.

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

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

**FACTS**

1. On Thursday, May 28, 2015, at approximately 7:01 p.m., Investigators Bailey and Doyle investigated the business operation of Nouria Energy Retail, Inc. d/b/a Winchendon Irving.
2. An underage operative, working with Investigators purchased from the Licensee an alcoholic beverage, a twelve ounce (12 oz.) can of Budweiser Light beer for one dollar and forty-four cents (\$1.44). The underage operative was not asked for identification.

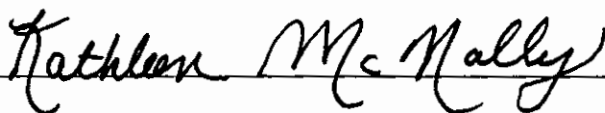
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### CONCLUSION

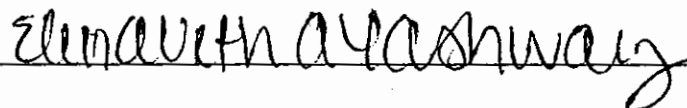
Based on the evidence, including the Licensee's stipulation to the facts and violation, the Commission finds the Licensee violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the License for three (3) days of which three (3) 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

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: December 8, 2015

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  
Brad Doyle, Investigator  
Rose Bailey, Investigator  
Administration  
File