



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

October 20, 2015

SWIYA LIQUORS INC. DBA THE LIQUOR STORE
674 SPRING STREET
WINCHENDON, MA 01475
LICENSE#: 148400023
VIOLATION DATE: 05/28/2015
HEARD: 10/20/2015

After a hearing on October 20, 2015, the Commission finds Swiya Liquors Inc. dba The Liquor Store violated 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.

The Commission suspends the Licensee's license for a total of one (1) day to be served. The suspension shall commence on Wednesday, December 9, 2015 and terminate on Wednesday, December 9, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, December 9, 2015 at 9:00 A.M. It will be returned to the Licensee on Thursday, December 10, 2015.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Rose Bailey, Investigator
Arthur M. Pearlman Esq. via fax- 508-875-7843
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

SWIYA LIQUORS INC. DBA THE LIQUOR STORE
674 SPRING STREET
WINCHENDON, MA 01475
LICENSE#: 148400023
VIOLATION DATE: 05/28/2015
HEARD: 10/20/2015

Swiya Liquors Inc. dba The Liquor 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, October 20, 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 May 28, 2015;
2. Licensee's Stipulation of Facts;
3. Notice of Violation; and
4. Photograph of Underage Operative.

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 6:41 p.m., Investigators Doyle and Bailey ("Investigators") conducted an investigation of the business operation of Swiya Liquors Inc. dba The Liquor Store.
2. While on the licensed premises an underage operative working with Investigators purchased from the Licensee an alcoholic beverage, a can of Budweiser Light beer, for

one dollar and twenty cents (\$1.20). The underage operative was not asked for identification.

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 one (1) day to be served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman

Elizabeth A. Lashway, Commissioner

Dated: October 20, 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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