

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

September 12, 2012

BIG BOB'S LIQUORS, INC. DBA OFF THE VINE WINE AND SPIRITS
4B RICHMOND AVE
WORCESTER, MA 01602
LICENSE#: 150800254
HEARD: 09/11/2012

After a hearing on September 11, 2012, the Commission finds Big Bob's Liquors, Inc. dba Off the Vine Wine and Spirits in violation of M.G.L. c. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (5 Counts).

The Commission **suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, October 31, 2012 and terminate on Sunday, November 4, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 31, 2012 at 9:00 A.M. It will be returned to the licensee Monday, November 5, 2012.

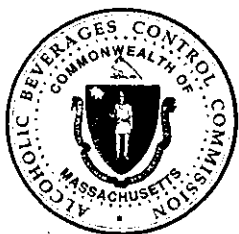
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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

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



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

BIG BOB'S LIQUORS, INC. DBA OFF THE VINE WINE AND SPIRITS
4B RICHMOND AVE
WORCESTER, MA 01602
LICENSE#: 150800254
HEARD: 09/11/2012

Big Bob's Liquors, Inc. dba Off the Vine Wine and Spirits (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, September 11, 2012, regarding an alleged violation of M.G.L. c. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (5 Counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Keefe's Investigative Report dated April 21, 2012; and
3. Photocopies of five (5) Driver's Licenses.

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

FACTS


1. On Saturday, April 21, 2012, at approximately 8:35 p.m., Investigators Kujawski and Keefe conducted an investigation of Big Bob's Liquors, Inc. dba Off the Vine Wine and Spirits to determine the manner in which their business was conducted.
2. While outside of the licensed premises, the Investigators observed five (5) youthful looking individuals enter the store and exit it in possession of alcoholic beverages.
3. Investigators identified themselves to the individuals and asked to see their identification.
4. All five (5) individuals were in possession of false identification, and all were under the age of twenty-one (21).
5. Underage male Apgar, date of birth November 23, 1992, age nineteen (19) years, and underage male Goldman, date of birth November 23, 1992, age nineteen (19) years, were both in possession of the following alcoholic beverages:
 - a) Thirty (30) pack of Bud Light beer;
 - b) 1.75 liter bottle of Burnett's Vodka; and
 - c) Five (5) cans of Four Loko.
6. Mr. Apgar and Mr. Goldman placed the alcohol in their vehicle, where three (3) female individuals, ages sixteen (16), sixteen (16), and seventeen (17), were seated.

7. Underage males Apgar and Goldman provided to Investigators false Pennsylvania Driver's Licenses which indicated their ages to be above twenty-one (21) years of age.
8. Another underage male, Mr. W. Feraco, date of birth March 9, 1992, age twenty (20) years was in possession of:
 - a) Eighteen (18) pack of Miller Lite beer; and
 - b) 7.5 milliliter bottle of Yellow Tail wine.
9. Mr. Feraco provided investigators with a false Rhode Island Driver's License, indicating his age to be above twenty-one (21) years of age.
10. Two additional underage males were also in possession of alcoholic beverages.
11. Underage male Zatertea, date of birth of February 8, 1992, age twenty (20) years and underage male Gaumond, date of birth February 14, 1992, age twenty (20) years, were in possession of:
 - a) Eighteen (18) pack of Rolling Rock beer;
 - b) Twelve (12) pack of Heineken beer; and
 - c) Twelve (12) pack of Bud Light beer.
12. Mr. Zatertea and Mr. Gaumond provided investigators with false Rhode Island Driver's Licenses indicating their ages to be above twenty-one (21) years of age.
13. Investigators brought the five (5) underage males into the establishment and informed the store clerk on duty of the violation.
14. Investigator Kujawski also spoke to the manager of record, Mr. Varazdat Varderesian, informed him of the violation, and that a report would be filed with the Chief Investigator for further action.
15. All five (5) underage males in possession of false identification stated that they had purchased them from Idchief.com. The three (3) females, who were all under the age of eighteen (18), were transported home by Mr. Brian Leslie, who was the father of one of the females.

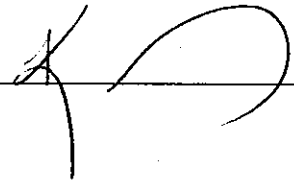
CONCLUSION

Based on the evidence, the Commission finds the licensee violated of M.G.L. c. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (5 Counts). Therefore, the Commission **suspends the license for seventeen (17) days of which five (5) days will be served and twelve (12) 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

Susan Corcoran, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman 

DATE: September 12, 2012

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.

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