

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

*Steven Grossman*  
*Treasurer and Receiver General*

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

**DECISION**

**Re:** SSBY, LLC  
**DBA:** Club Mint  
**Premise:** 18 Grafton Street  
**City/Town:** Worcester, MA 01604  
**License #:** 150800464  
**Heard:** March 1, 2011 (2 of 2)

SSBY, LLC dba Club Mint (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 1, 2011, regarding an alleged violation of M.G.L. c.138, §23 (4 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Rose Bailey's Report; and
3. Four (4) Bottles of Alcohol pertaining to M.G.L. c.138, §23.

There is one (1) tape of this hearing.

**FACTS**

1. On Saturday December 18, 2010 at approximately 10:05 p.m. Investigators Keefe, Kujawski and Bailey entered SSBY, LLC dba Club Mint after a complaint was filed with the Commission regarding the illegal purchase of alcoholic beverages from other than a licensee under §18 or §19 or from a holder of a special permit under §22A.
2. Upon entry, the investigators identified themselves to the manager of record and informed him that they would be conducting an inspection of the licensed premises.
3. Investigators, accompanied by the manager, asked for and received permission to inspect the bar area.
4. While conducting an inspection of the bar area, investigators observed and placed aside four (4) bottles of alcoholic beverages with sticky glue like substance indicating the size and shape of a retail price sticker in the exterior.
5. Based upon the Investigator's experience and training, the sticky glue like substance is evidence that the alcoholic beverages had been purchased from a \$15 retail package store.

6. Investigator's showed the manager the confiscated evidence, at which time the manager stated he had purchased the alcoholic beverages in question through a distributor but was unable to provide any documentation to support his statement.
7. He indicated the invoice was at his residence.
8. Investigators inspected the alcohol storage room which contained cases of malt beverages only.
9. The manager was able to provide the investigators with invoices for the purchase of malt beverages.
10. He was then informed that a violation report would be filed with the Chief Investigator of the Commission for review.
11. The Investigator testified that the licensee had no previous violations before the Commission and that the licensee was very cooperative with the Investigators.
12. The licensee testified that he was in agreement with the violations.

### CONCLUSION

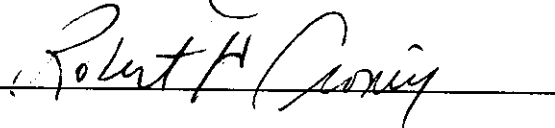
Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §23 (4 counts). Therefore, the Commission **suspends the licensee's license for four (4) days of which four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner



Robert H. Cronin, Commissioner



Dated: July 22, 2011

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  
Rose Bailey, Investigator  
Administration  
File