



**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 929-6611  
Fax (978) 929-6350

**Board of Selectmen**

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**LEGAL NOTICE  
TOWN OF ACTON  
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on August 8, 2016, at 7:30 PM (rescheduled from July 11, 2016) in the Francis Faulkner Hearing Room 204 in Town Hall, 472 Main Street, Acton for an order to show cause for an alleged liquor license violation under MGL c. 38, §34, Red White and Brew, 578 Massachusetts Ave., Acton MA. The documentation can be inspected at Town Hall during normal business hours.

Acton Board of Selectmen

**SEL/578 MASSACHUSETTS AVE.  
LEGAL NOTICE  
TOWN OF ACTON  
NOTICE OF HEARING**

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Acton Board of Selectmen

AD#13457608  
Acton Beacon 7/28/16



**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 929-6611  
Fax (978) 929-6350

**Steven L. Ledoux**  
**Town Manager**

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July 7, 2016

**BY HAND DELIVERY**

Mr. Bhupeshkumar Patel  
Red, White & Brew  
578 Massachusetts Avenue  
Acton, MA 01720

**RE: Red, White & Brew Hearing before Board of Selectmen -- Rescheduled**

Dear Mr. Patel:

As you know, the Board of Selectmen (the "Board") received a complaint from the Acton Chief of Police concerning the sale of alcohol to minor customers and a sales clerk's consumption of alcohol on the premises at the Red, White & Brew package store on the night of May 31, 2016. On June 10, 2016, the Town Manager's Office issued an Order to Show Cause to you for a hearing dated for July 11, 2016.

The Board's Chair has requested that the hearing be rescheduled from Monday, July 11 to **Monday, August 8, 2016 at 7:30 PM**. You and anyone that was on duty at the store at the time and date of the alleged incident should be present, available for questioning by the Board, and show cause why the Board should not impose appropriate discipline, including possible suspension of the store's liquor license. Please preserve any video, receipts, or other evidence that may be presented at the hearing if available. You are welcome, but in no way obligated, to present any relevant witnesses and have counsel represent you.

Please sign the attached Agreement of Extension of Time.

If you have any questions or concerns related to the Order or hearing, please contact me in the Town Manager's Office at (978) 929-6611, or via email at [ltomyl@acton-ma.gov](mailto:ltomyl@acton-ma.gov).

Very truly yours,

Lisa Tomy  
Executive Assistant  
Office of the Town Manager

cc: Chief Frank J. Widmayer III, Acton Chief of Police (by email)  
Eva Szkaradek, Town Clerk  
ABCC License File

Delivered by: Sgt. Edwin WJ

Received by: T. B. (A)

Date: 7-7-16



**RECEIVED**

JUL 07 2016

ACTON

AGREEMENT ON TIME CHANGE

The Board of Selectmen and the Petitioner for a Public Hearing

July 11, 2016

Petitioner Name: Board of Selectmen

Hearing

Description: Alleged Underage Service, Vasudav, Inc. D/B/A Red White and Brew

Location/Address: 578 Mass Ave, Acton MA

Hereby agree to reschedule the Public Hearing to:

(date): August 8, 2016

(time): 7:30 PM

Signed this date: July 7, 2016

Board of Selectmen/Town Manager

Vasudav, Inc. D/B/A Red White and Brew

This agreement must be filed with the Office of the Acton Town Clerk.



**TOWN OF ACTON**  
472 Main Street  
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Fax (978) 929-6350

**Steven L. Ledoux**  
**Town Manager**

---

June 10, 2016

VIA HAND DELIVERY

Mr. Bhupeshkumar Patel  
Red, White & Brew  
578 Massachusetts Avenue  
Acton, MA 01720

RE: Red, White & Brew Alleged Selling Alcohol to Minors Incident

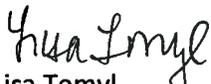
Dear Mr. Patel:

The Board of Selectmen (the "Board") has received a complaint from the Acton Chief of Police concerning the sale of alcohol to minor customers and a sales clerk's consumption of alcohol on the premises at the Red, White & Brew package store ("the Store") on the night of May 31, 2016. I have enclosed redacted information obtained by the Acton Police Department and the Board concerning these incidents.

The Board orders that you and anyone that was on duty at the Store at the time and date of the alleged incident be present, available for questioning by the Board, and show cause why the Board should not impose appropriate discipline, including possible suspension of the Store's liquor license, at the Board's meeting on **July 11, 2016 at 7:10 PM** in Room 204 of Acton Town Hall. Please preserve any video, receipts, or other evidence that may be presented at the hearing if available. You are welcome, but in no way obligated, to present any relevant witnesses and have counsel represent you.

If you have any questions or concerns related to this Order or hearing, please contact me in the Town Manager's Office at (978) 929-6611, or via email at [ltomyl@acton-ma.gov](mailto:ltomyl@acton-ma.gov).

Very truly yours,

  
Lisa Tomy  
Executive Assistant  
Office of the Town Manager

Enclosures

cc: Chief Frank J. Widmayer III, Acton Chief of Police (by email)  
Eva Szkaradek, Town Clerk

Delivered by: Daryl Jones LT. Douglas Stuenkel

Received by: Brian Bingham Patel

Date: 6-10-16

LICENSE  
ALCOHOLIC BEVERAGES

THE LICENSING BOARD OF

The Town of Acton

MASSACHUSETTS

HEREBY GRANTS A

RETAIL PACKAGE GOODS STORE

License to Expose, Keep for Sale, and to Sell

All Kinds of Alcoholic Beverages

*Not To Be Drunk On the Premises*

To Vasudav, Inc. d/b/a Red White and Brew  
Bhupeshkumar Patel

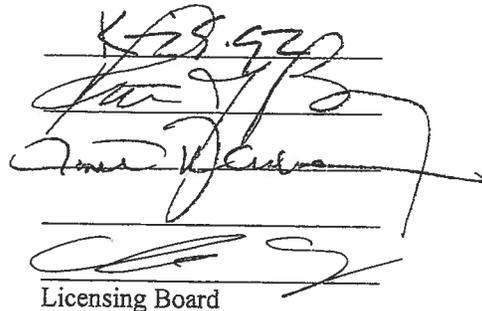
On the following described premise: 578 Massachusetts Ave

Office and restroom, deliveries in the rear of building consisting of approximately 2394 sq. ft., 2 story wood framing with 3 entrances/exits

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires **December 31<sup>st</sup>, 2016**, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 16th day of November, 2015

The Hours during which  
Alcoholic Beverages may be sold are  
Monday - Saturday 8:00 AM - 11:00 PM, Sunday 10:00 AM - 7:00 PM

  
Licensing Board

**THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ.**

**Acton Police Department**

P. O. Box 2212  
 371 Main Street  
 Acton, MA 01720  
 978-263-2911

**Incident Report**



Incident Number: redact

File No: N/A

Dispatch Incident Number: 201600013083

Print Date: June 1, 2016

Printed By: fwidmayer

**Incident Information**

Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Tues	05/31/2016	10:06:00PM		Tues	05/31/2016	10:06:00PM	→	5/31/2016	10:06:21PM	
Reported As Motor Vehicle Violation P:012218				Incident Type - Primary Motor Vehicle Violation			Arresting Officer Detective Dean Keeler (65DK)				
Incident Address 578 MASSACHUSETTS AV, ACTON, MA 01720							Reporting Officer Patrol Officer Douglas Mahoney (136DM)				
Sector WES		Stat. Area West Precinct Map F2		Sub Stat. Area 001		Census Tract		Landmark			
Business Name RED WHITE & BREW MARKET				Incident Types - Other				Action Taken REPORT			

**Related Incident Summary**

Incident No.	Date	Nature	Notes
201600012269	05/31/2016 22:06	Motor Vehicle Violation redact	

**Associated Persons Summary**

Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Other	P 2	redact	M	N/A	redact	N/A
Address: redact						
Other	P 3	redact	M	N/A	redact	N/A
Address: redact						
Arrested	P 1	redact	M	redact	redact	N/A
Address: redact						
Other	P 4	redact	M	N/A	redact	N/A
Address: redact						
Property Owner	P 5	redact	M	redact	redact	N/A
Address: redact						

**Associated Businesses Summary**

Type	Name	Primary Phone #	Secondary Phone #
Other	RED WHITE & BREW MARKET	(978) 263-7810	N/A
Address: 578 MASSACHUSETTS AV, ACTON, MA 01720			

**Involved Officers**

Officer Title	Officer Name	Officer Type	Division
Detective	Frederick W Rentschler	Responding Officer	Acton Police Department
Detective	Dean C Keeler	Arresting Officer	Acton Police Department
Detective	Dean C Keeler	Reporting Officer	Acton Police Department
Detective	Dean C Keeler	Responding Officer	Acton Police Department
Patrol Officer	Douglas Mahoney	Responding Officer	Acton Police Department

**Arrest Offenses**

Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
1	138	34	P 1	Liquor to Person Under 21, Sell/Deliver

**Acton Police Department**

**P. O. Box 2212  
371 Main Street  
Acton, MA 01720  
978-263-2911**



Incident Number: redact

File No: N/A

Dispatch Incident Number: 2016000013083

Print Date: June 1, 2016

Printed By: fwidmayer

**Incident Report**

Arrestee Seq. # 1

Suspect Type		Suspect Name			Alias/Nickname		Occupation		Probation Central File		SSN
N/A		P 1			N/A		N/A		N/A		N/A
Date of Birth	Age	Sex	Race	Ethnicity	Skin Tone	Height	Weight	Eye Color	Hair Color		
redact	re	reda	Unknown	Unknown	redact	reda	red	redact	redact		
Scars / Marks / Tattoos / Other Physical Characteristics:											
No Physical Characteristic Data Reported											

Vehicle info

Reg Plate - State (Year)	Vehicle Year, Make, Model			VIN	Primary Color	Second Color	Insurance Co.
redact	redact			redact	red	N/A	redact

Acton Police Department

P. O. Box 2212  
371 Main Street  
Acton, MA 01720  
978-263-2911



Incident Number: redact

File No: N/A

Dispatch Incident Number: 201600013083

Print Date: June 1, 2016

Printed By: fwidmayer

Incident Report

Narratives for Incident Number redact ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Detective Dean Keeler (65DK) Division: Acton Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
05/31/2016 23:11	Arrest Report	Detective Dean Keeler (65DK)	Closed	Sergeant Scott Krug	06/01/2016

05/31/2016  
Tuesday  
22:04

The following is a summary of the events that occurred on the above stated date and time. While working a plain clothes assignment in an unmarked department vehicle, I was travelling west through West Acton center when my attention was drawn to a vehicle redact parked on the north side of Mass. Ave. near the Middlesex bank. I observed two males in the vehicle that both appeared about 18 years old seated in the vehicle. At the time, no businesses were open other than the Red, White, and Brew liquor store which should have been closing at 22:00.

I drove around the block and came back out onto Mass. Ave. through the alley between the liquor store and DiCapri's Pizza shop. As I came out, I observed two males crossing Mass. Ave. from the liquor store with cartons of beer. These subjects went to the trunk of the car that I had observed earlier and placed the cartons of beer into the trunk. Once the beer was in the trunk, one subject got into the back seat of the car and the other, who I had observed earlier in the day working at the liquor store, went back inside the RW&B liquor store.

Due to all three subjects in the vehicle appearing under 21, I pulled behind this car as it was about to drive away and activated my emergency lighting. The vehicle remained stopped and I approached the driver. At this point I asked if there was anyone in the vehicle that was 21 years or older and all three advised that they were not.

I next directed the driver to provide me with his license, which he did, identifying himself as P 2. I then advised P 2 that I had just witnessed the beer being placed into the trunk of the car and directed him to open the trunk. Inside I observed a unopened 30 pack of Busch Light and two unopened 12 packs of Sam Adams Summer Ale which was cold to the touch.

I then went to the store and directed the clerk, who had turned off the lights, to come out so that I could speak with him. I was provided a passport card identifying this subject as P 1. I asked P 1 if he had been provided with any identification for the sale of alcohol to the subjects in the car parked across the street and he stated he had not. I asked P 1 if they had come inside and P 1 stated he had received a phone call from them placing an order prior to them arriving. I then asked P 1 who the owner of the store was and he advised his father is the owner. I then directed P 1 to wait outside the store by the door and that I would be back to speak with him further.

I returned to the car with the three subjects and was provided the names of the two passengers, now identified as P 4 age 19, and P 3 age 18. I was advised by the group that P 3 had gone inside to make the purchase of alcohol while the other two waited outside. P 3 advised that he had not been asked for ID. I asked the group if they were familiar with the clerk in any way and they stated they were not. I then asked, since all three were from Concord, why they had come to this store in Acton. All three advised that they had been told by others that this store is easy to buy from, even without any ID as they people working never ask for any ID. I also asked the group if they had called ahead and spoke with the clerk, placing any kind of order, and was told they had not.

I then returned to P 1, assisted at this point by Det. Rentschler who was working a uniformed shift, and placed him under arrest for deliver of alcohol to minors. As I spoke further with P 1 at this point, I could detect an odor of an alcoholic beverage coming from his breath. I asked P 1 how much he had been drinking tonight and he stated "only a couple of drinks". P 1 was handcuffed and transported to the Police station by Det. Rentschler where he was booked by Sgt. Krug.

A further search of the trunk and interior of the vehicle was done and additional beer was located in a duffel bag in the trunk. These beers were another 10 Busch Light and 5 Busch beer in cans. These beers were warm to the touch and loose with a torn beer package indicating that they had been in the trunk for a period of time. The beer that I observed being placed into the trunk with P 1 assistance was all cold to the touch. Further, all three of the youths were searched and no alternative form of identification (Fake ID) was found on any of the youths.

The three subjects from the vehicle were all advised that they would receive a summons at a later time to appear in the Concord District Court for being minors in possession of alcohol. All three were then allowed to leave in the vehicle.

**Acton Police Department**

P. O. Box 2212  
371 Main Street  
Acton, MA 01720  
978-263-2911



Incident Number: redact

File No: N/A

Dispatch Incident Number: 2016000013083

Print Date: June 1, 2016

Printed By: fwidmayer

**Incident Report**

**Narrative by: Detective Dean Keeler (65DK) Division: Acton Police Department (continued)**

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
05/31/2016 23:11	Arrest Report	Detective Dean Keeler (65DK)	Closed	Sergeant Scott Krug	05/01/2016

At the station, P 1 was given a breath test with a department PBT by Det. Rentschler. A reading of .035 was given as a result confirming that P 1 had been drinking while working as the clerk at the liquor store.

Respectfully Submitted,  
Det. Dean Keeler #65  
Acton Police Department

Signature - Reporting Officer

Signature - Reviewing Officer

**Narrative by: Patrol Officer Douglas Mahoney (136DM) Division: Acton Police Department**

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
05/31/2016 23:20		Patrol Officer Douglas Mahoney (136DM)	Closed	Sergeant Scott Krug	05/31/2016

On May 31, 2016 I, Officer Douglas Mahoney, was assigned to the drug unit wearing plain clothes. At approximately 10:07 PM Detective Keeler radioed to dispatch that he would have a motor vehicle stopped on Massachusetts Ave in front of Red White & Brew. I arrived on scene a short time later to assist. Upon arrival, Detective Keeler and Detective Rentschler informed me that the store clerk, P 1, was under arrest for selling alcohol to minors that were in the vehicle Detective Keeler had stopped. Detective Keeler asked me to wait on scene to speak to the owner of Red White & Brew, who is P 1's father, P 5.

P 5 arrived on scene a short time later, and I explained to him what happened. There was a slight language barrier, but he informed me that he understood. During our conversation, I informed P 5 that I noticed a surveillance monitor inside his store and asked him if both the interior and exterior of the store had surveillance. He informed me that it did. I asked P 5 if the surveillance was recording all night and day. P 5 again informed me that the surveillance was recording all night and day. P 5 asked what would happen to his son. I explained the process of his son possibly being bailed tonight and having to appear in Concord District Court in the morning. While speaking to P 5, the issue of his liquor license came up. I informed him that I did not know how this would affect his liquor license.

I gave P 5 the keys to the business that his son had left there, and asked if he could make sure the business was secured for the night.

Respectfully Submitted,  
Officer Douglas Mahoney #136

Signature - Reporting Officer

Signature - Reviewing Officer

**Acton Police Department**

**P. O. Box 2212  
371 Main Street  
Acton, MA 01720  
978-263-2911**



**Incident Number: redact**

**File No: N/A**

**Dispatch Incident Number: 2016000013083**

**Print Date: June 1, 2016**

**Printed By: fwidmayer**

**Incident Report**

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**Incident Dispatcher Remarks:**

**Create User ID: system**

Date & Time

05/31/2016 22:56:41

65DK, 136DM, 38FR MVS WITH redact  
REPORT.

.38FR RETURNED WITH ONE UNDER ARREST. 65DK TO DO

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**ACTON POLICE DEPARTMENT  
INTERDEPARTMENTAL  
COMMUNICATIONS**

---

To: Chief Frank Widmayer  
From: Lt. James A Cogan   
Re: Red White & Brew Serving Violation  
Date: June 2, 2016

At your request I spoke to Bhupeshkumar Patel the current owner of the Red White & Brew liquor store in West Acton. On Wednesday June 1, 2016 at 11:45AM I visited the store to explain to Bhupeshkumar that due to incident which occurred on Tuesday evening when  was arrested for serving three 19 year olds alcohol, the police department would be forwarding a report to the Town Manager and Selectmen for their review. I also requested that Bhupeshkumar preserve any video and sales receipts he may have involving the incident. Bhupeshkumar seemed to have some trouble understanding my requests and called his brother-in-law who was able to translate our requests over the phone.

I also wanted to note that on Wednesday afternoon Officer Mahoney served a request to preserve any video regarding this incident from the District Attorney's Office. This request is in response to the criminal charges being brought against . The three 19 year olds  and  who all reside in Concord will also be summonsed to Court.



MARIAN T. RYAN  
DISTRICT ATTORNEY

The Commonwealth of Massachusetts  
MIDDLESEX DISTRICT ATTORNEY  
305 WALDEN STREET ♦ CONCORD, MA 01742  
WWW.MIDDLESEXDA.COM



TEL: 781-897-8775  
FAX: 781-897-8776

June 1, 2016

Custodian of Records/Owner  
Red, White & Brew Market  
578 Massachusetts Ave.  
Acton, MA 021720

**RE: Preservation Request**

Dear Custodian of Records,

The video taken in your store on 5/31/16 is part of an ongoing criminal investigation at the Middlesex District Attorney's Office, and it is requested that all video be preserved pending the issuance of a subpoena or court order.

If you have any questions concerning this request, please feel free to contact me at 781/897-8839

Thank you for your assistance in this matter.

Sincerely,

Wendi Safran  
Assistant District Attorney  
Middlesex District Attorney's Office  
305 Walden Street  
Concord, MA 01742



THE 189<sup>TH</sup> GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS

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PART I ADMINISTRATION OF THE GOVERNMENT

NEXT

TITLE XX PUBLIC SAFETY AND GOOD ORDER

PREV NEXT

CHAPTER 138 ALCOHOLIC LIQUORS

PREV NEXT

Section 34 Sale, delivery or furnishing alcoholic beverages to persons under twenty-one years of age; employment of persons under eighteen years of age

PREV NEXT

Section 34. No person shall receive a license or permit under this chapter who is under 21 years of age. Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15, delivers or procures to be delivered in any public room or area of such establishment if licensed under section 12, 15, 19B, 19C or 19D or in any area of such establishment if licensed under said section 15, 19B, 19C or 19D any such beverages or alcohol to or for use by a person who he knows or has reason to believe is under 21 years of age or whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 or procures any such beverage or alcohol for a person under 21 years of age who is not his child, ward or spouse in any establishment licensed under said section 15, 19B, 19C or 19D or whoever furnishes any such beverage or alcohol for a person under 21 years of age shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both. For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged. Nothing in this section shall be construed to prohibit any person licensed under this chapter from employing any person 18 years of age or older for the direct handling or selling of alcoholic beverages or alcohol.

Notwithstanding the provisions of clause (14) of section 62 of chapter 149, a licensee under this chapter may employ a person under the age of 18 who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

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## FURNISHING ALCOHOL TO A MINOR

G.L. c. 138, § 34

**The defendant is charged with furnishing alcohol to a minor.**

**In order to prove the defendant guilty of this offense, the Commonwealth must prove four things beyond a reasonable doubt:**

***First:* That the defendant knowingly or intentionally supplied, gave, or provided a beverage to someone, or allowed someone to possess a beverage on premises or property owned or controlled by the defendant;**

***Second:* That the person to whom the beverage was furnished was under 21 years of age;**

***Third:* That the beverage in question was alcohol or an alcoholic beverage; and**

***Fourth:* That the defendant knew that the beverage was alcohol or an alcoholic beverage.**

**If the Commonwealth has proven all four things beyond a reasonable doubt, you should return a verdict of guilty. If the Commonwealth has failed to prove one or more of these things beyond a reasonable doubt, you must return a verdict of not guilty.**

## NOTES:

1. **Statute does not criminalize parent giving alcohol to own child in parent's own home.** The legislative intent of G.L. c. 138, § 34 was to allow parents the freedom to decide whether they wish to provide alcohol to their own children without fear of criminal liability, "regardless whether that act is characterized as furnishing or delivering." *Commonwealth v. Parent*, 465 Mass. 395, 410 (2013).

2. **Defendant under age of 21 may be prosecuted under this statute.** See *Commonwealth v. Kneram*, 63 Mass. App. Ct. 371, 375 (2005).

3. **Knowledge of age is not required.** "Generally, when age is a factor in an offense, the government is not required to prove that the offender knew the age of the person to whom age is relevant, whether that person be victim or collaborator." *Commonwealth v. Montaivo*, 50 Mass. App. Ct. 85, 87 (2000) (citing G.L. c. 138, § 34). The Supreme Judicial Court has held that the earlier versions of G.L. c. 138, § 34 imposed strict criminal liability with respect to the age of the person obtaining alcohol. *Commonwealth v. Corey*, 351 Mass. 331, 333 (1966); *Commonwealth v. Gould*, 158 Mass. 499, 507 (1893) ("Knowledge that the purchaser was a minor was not essential to the offense.").

4. **"Furnish."** This term is defined in G.L. c. 138, § 34 as "to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged. Nothing in this section shall be construed to prohibit any person licensed under this chapter from employing any person 18 years of age or older for the direct handling or selling of alcoholic beverages or alcohol. Notwithstanding the provisions of clause (14) of section 62 of chapter 149, a licensee under this chapter may employ a person under the age of 18 who does not directly handle, sell, mix or serve alcohol or alcoholic beverages."

5. **"Alcohol."** This term is defined in G.L. c. 138, § 1 as "all alcohol other than denatured alcohol or alcohol described in section three hundred and three A of chapter ninety-four." Section 303A of G.L. c. 94 provides: "No person other than a registered druggist shall engage in the business of manufacturing, buying, selling, transporting, importing, exporting or dealing in **methyl alcohol**, or **wood alcohol**, so called, or any preparation, other than shellac varnish or shellac solvent or paint remover or varnish remover, used for manufacturing or commercial purposes which contains **more than three per cent of methyl alcohol** and is **intended for use other than as a beverage**, without being licensed so to do as provided in section three hundred and three B" (emphasis added).

6. **"Alcoholic beverages."** This term is defined in G.L. c. 138, § 1 as "any liquid intended for human consumption as a beverage and containing one half of one per cent or more of alcohol by volume at sixty degrees Fahrenheit."

<b>CRIMINAL COMPLAINT</b> POLICE COPY		DOCKET NUMBER 1647CR000828	NO. OF COUNTS 3	<b>Trial Court of Massachusetts</b> <b>District Court Department</b> 
DEFENDANT NAME & ADDRESS			COURT NAME & ADDRESS Concord District Court 305 Walden Street Concord, MA 01742 (978)369-0500	
DEFENDANT DOB	COMPLAINT ISSUED 06/01/2016	DATE OF OFFENSE 05/31/2016	ARREST DATE 05/31/2016	
OFFENSE CITY / TOWN Acton	OFFENSE ADDRESS 578 Mass. Ave		NEXT EVENT DATE & TIME 06/01/2016 10:00 AM	
POLICE DEPARTMENT ACTON PD	POLICE INCIDENT NUMBER I2016000012218		NEXT SCHEDULED EVENT Arraignment	
OBTN TACT1600000	PCF NUMBER	DEFENDANT XREF ID		ROOM / SESSION Arraignment Session
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.				

COUNT	CODE	DESCRIPTION
1	138/34	LIQUOR TO PERSON UNDER 21, SELL/DELIVER c138 §34

On 05/31/2016: (1) did make a sale or delivery of an alcoholic beverage or alcohol to a person under 21 years of age, either for his or her own use or for the use of his or her parent or some other person; or (2) being a patron of an establishment licensed under G.L. c.138, §§12 or 15, did deliver or procure to be delivered in a public room or area of such establishment if licensed under §§12, 15, 19B, 19C or 19D, or in some area of such establishment if licensed under §§15, 19B, 19C or 19D, an alcoholic beverage or alcohol to or for use by a person who he or she knew or had reason to believe to be under 21 years of age; or (3) did procure an alcoholic beverage or alcohol for a person under 21 years of age in an establishment licensed under §12; or (4) did procure an alcoholic beverage or alcohol for a person under 21 years of age who was not his or her child, ward or spouse in an establishment licensed under §§15, 19B, 19C or 19D; or (5) did furnish, as defined in G.L. c. 138, §34, an alcoholic beverage or alcohol for a person under 21 years of age, by knowingly or intentionally supplying, giving or providing to, or allowing, a person under 21 years of age other than his or her child or grandchild to possess an alcoholic beverage on premises or property that he or she owned or controlled, in violation of G.L. c.138, §34.

PENALTY: imprisonment not more than 1 year; or not more than \$2000; or both.

2	138/34	LIQUOR TO PERSON UNDER 21, SELL/DELIVER c138 §34
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On 05/31/2016: (1) did make a sale or delivery of an alcoholic beverage or alcohol to a person under 21 years of age, either for his or her own use or for the use of his or her parent or some other person; or (2) being a patron of an establishment licensed under G.L. c.138, §§12 or 15, did deliver or procure to be delivered in a public room or area of such establishment if licensed under §§12, 15, 19B, 19C or 19D, or in some area of such establishment if licensed under §§15, 19B, 19C or 19D, an alcoholic beverage or alcohol to or for use by a person who he or she knew or had reason to believe to be under 21 years of age; or (3) did procure an alcoholic beverage or alcohol for a person under 21 years of age in an establishment licensed under §12; or (4) did procure an alcoholic beverage or alcohol for a person under 21 years of age who was not his or her child, ward or spouse in an establishment licensed under §§15, 19B, 19C or 19D; or (5) did furnish, as defined in G.L. c. 138, §34, an alcoholic beverage or alcohol for a person under 21 years of age, by knowingly or intentionally supplying, giving or providing to, or allowing, a person under 21 years of age other than his or her child or grandchild to possess an alcoholic beverage on premises or property that he or she owned or controlled, in violation of G.L. c.138, §34.

PENALTY: imprisonment not more than 1 year; or not more than \$2000; or both.

SIGNATURE OF COMPLAINANT X	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK X	DATE
NAME OF COMPLAINANT	TRUE COPY ATTEST X	CLERK-MAGISTRATE/ ASST. CLERK DATE

**Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: if you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.**

<b>CRIMINAL COMPLAINT</b> <b>ADDITIONAL COUNTS</b>	<b>DOCKET NUMBER</b> <b>1647CR000828</b>	<b>NO. OF COUNTS</b> <b>3</b>	<b>Trial Court of Massachusetts</b> <b>District Court Department</b> 
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COUNT	CODE	DESCRIPTION
3	138/34	LIQUOR TO PERSON UNDER 21, SELL/DELIVER c138 §34

On 05/31/2016: (1) did make a sale or delivery of an alcoholic beverage or alcohol to a person under 21 years of age, either for his or her own use or for the use of his or her parent or some other person; or (2) being a patron of an establishment licensed under G.L. c.138, §§12 or 15, did deliver or procure to be delivered in a public room or area of such establishment if licensed under §§12, 15, 19B, 19C or 19D, or in some area of such establishment if licensed under §§15, 19B, 19C or 19D, an alcoholic beverage or alcohol to or for use by a person who he or she knew or had reason to believe to be under 21 years of age; or (3) did procure an alcoholic beverage or alcohol for a person under 21 years of age in an establishment licensed under §12; or (4) did procure an alcoholic beverage or alcohol for a person under 21 years of age who was not his or her child, ward or spouse in an establishment licensed under §§15, 19B, 19C or 19D; or (5) did furnish, as defined in G.L. c. 138, §34, an alcoholic beverage or alcohol for a person under 21 years of age, by knowingly or intentionally supplying, giving or providing to, or allowing, a person under 21 years of age other than his or her child or grandchild to possess an alcoholic beverage on premises or property that he or she owned or controlled, in violation of G.L. c.138, §34.

**PENALTY:** imprisonment not more than 1 year; or not more than \$2000; or both.