



## ***Investigation and Enforcement Division***

### **2024 Annual Report**

---

Special Investigators of the Investigation and Enforcement Division are appointed by the Commission pursuant to Massachusetts General Law Chapter 10 §72. Accordingly, Investigators are authorized and directed, pursuant to Massachusetts General Law Chapter 138 §56, to make all needful and appropriate investigations to enforce the Liquor Control Act.

Pursuant to this statutory mandate the Enforcement Division objectives include the following: 1) To prevent the sale or delivery of alcoholic beverages to underage individuals; 2) To prevent the sale or delivery of alcoholic beverages to intoxicated individuals and potential impaired drivers; 3) To prevent the sale of alcoholic beverages that are illegally imported or purchased from an illegal source and to prevent the tampering or dilution of alcoholic beverages; 4) To prevent illegal gambling on licensed premises; 5) To prevent the sale, delivery or use of illegal narcotics on licensed premises; 6) To prevent unlawful ownership of licensed establishments by individuals or criminal organizations; 7) To provide suppliers, wholesalers and retailers of the alcoholic beverage industry with a fair and even playing field to conduct their licensed business; 8) To prevent unlawful inter-state sale and transportation of alcoholic beverages; 9) To ensure the lawful sale and delivery of wine pursuant to MGL Chapter 138 §19F; and 10) To prevent unlawful Trade practices in the alcoholic beverage industry.

Reports on arrest data have established that eighty percent of violent crimes, such as assaults and domestic violence, are alcohol related. It is the overall goal of this Division to impact public safety and the quality of life in our communities through effective alcohol enforcement strategies to reduce alcohol-related crimes and traffic crashes. Toward this goal, the Division has established effective enforcement programs to address alcohol-related problems throughout the commonwealth. The programs have received national recognition for their innovation and effectiveness, including: National Liquor Law Enforcement Association Award for enforcement efforts in Lawrence Massachusetts; National Liquor Law Enforcement Association Enforcement Agency of the Year Award; National Conference of State Liquor Administrators Innovations in Health and Safety Award; President's Award from the National Chapter of Mothers Against Drunk Driving; Recognized as a National Success Story by the United States Justice Department; National Liquor Law Enforcement Association Agent of the Year.

### Complaints

In 2024, there were 289 complaints filed with the Commission relative to, but not limited to, the sale of alcohol to underage or intoxicated individuals, illegal gambling activity, illegal alcoholic beverages, illegal narcotics activity and unlawful ownership. Complaints are received primarily from the public, industry members, municipal and state police and state agencies.

Complaints	Total	LCA	Minors	SIP	Gambling	Narcotics	PSB	15A	Taxes
2015	293	122	60	48	19	0	37	0	7
2016	298	145	59	45	26	2	21	0	0
2017	278	132	59	34	20	3	27	5	5
2018	349	168	78	46	21	1	34	0	1
2019	295	132	59	57	10	5	38	5	5
2020	720	110	24	12	5	1	14	0	1
2021	461	75	45	23	6	1	13	0	0
2022	234	90	73	45	5	1	16	0	1
2023	271	95	71	58	12	1	34	0	2
2024	289	103	75	59	11	4	35	0	3

### Liquor Control Act Violations

In 2024, the Division conducted operations throughout the commonwealth, filing 167 reports detailing approximately 388 violations of the Liquor Control Act that included, but were not limited to, the sale of alcohol to underage or intoxicated individuals, illegal gambling, illegal alcoholic beverages, criminal ownership of licensed premises, and unlawful trade practice.

Violations	Total	Liquor Control Act	Sale to Minor	Sale to Intoxicated	Gambling	Narcotics	Alc Tampering	Ownership	Taxes	Trade
2015	221	25	98	15	18	0	24	11	30	8
2016	290	18	218	3	35	0	4	3	9	1
2017	247	3	223	21	7	1	1	5	6	1
2018	273	17	209	9	9	0	16	4	8	1
2019	319	0	225	21	0	0	6	5	6	5
2020	123	12	28	0	1	0	1	0	1	0
2021	155	27	117	6	1	0	3	0	1	0
2022	307	16	263	18	4	0	2	0	0	4
2023	365	4	324	11	2	1	6	3	4	5
2024	388	6	347	13	0	3	3	0	3	13

### Data Driven Impaired Driving Prevention

Place of Last Drink (POLDD) reports are filed with the Commission pursuant to Massachusetts General Law Chapter 90 §24J, which requires that “In every case of a conviction of or a plea of guilty to a violation of operating a motor vehicle under the influence of intoxicating liquor, *the court shall inquire of the defendant, before sentencing, regarding whether he was served alcohol prior to his violation of said section at an establishment licensed to serve alcohol on the premises and the name and location of said establishment. Any information so acquired by the court shall be transmitted to the alcohol beverage control commission*”. In 2024 there were approximately 1038 §24J reports filed with the Commission.

The Division utilizes this data to determine the bars that have the highest number of 24J reports and thus pose a greater risk to public safety. In addition to this data, information is received from police departments that can identify alcohol-related harm on the roads and highways, as well as other alcohol-related criminal activity, which appears to originate from specific licensed premises. Enforcement operations are scheduled accordingly, and if a bar is found to serve alcohol to an intoxicated individual, Investigators charge the bar with MGL Chapter 138 §69 and make efforts toward safe transportation or protective custody for the individual. Division data indicates that this enforcement results in a dramatic reduction in the number of OUI arrests associated with bars that are subject to this enforcement.

The National Transportation Safety Board (NTSB) held hearings, where Chief Frederick Mahony testified on the Massachusetts program, demonstrating that the use of POLD data to guide enforcement efforts led to a reduction in OUI arrests associated with bars that were targeted for intervention. As a result, the NTSB stated in their Safety Recommendation to the National Highway Traffic Safety Administration (NHTSA), *“An essential part of any arrest or accident investigation involving an alcohol-impaired driver should include an assertive effort by law enforcement officers to determine the location where the impaired driver had been served alcohol. This information is useful to state alcohol law enforcement authorities conducting enforcement actions to deter future violations.”*

In 2024, the Division, in coordination with NHTSA Impaired Driving Crackdowns, conducted these enforcement and high visibility operations to deter impaired driving throughout the commonwealth. Of the approximately 1435 bars investigated, 15 charges and 81 warnings were issued pertaining to the sale of alcoholic beverages to an intoxicated person and 808 bars were the subject of high visibility interdiction type on-premises field training; 38 charges were brought pertaining to associated issues such as sale to minor or violation of open bar regulations.

#### Minimum Purchase Age Compliance Checks

The objective of this program is to prevent the sale of alcoholic beverages to underage individuals by licensed establishments throughout the Commonwealth. The primary focus is to educate licensees and to increase their vigilance in verifying the age of consumers. To achieve this objective, the Division conducts Minimum Purchase Age Compliance Checks, often in cooperation with the regional Community Groups and municipal Police Departments.

Since 2009, when the Division enhanced the compliance check program, it has conducted compliance checks at 32,716 licensed establishments, of which 1121 failed (3%). This represents an over 50% decrease in the failure rate when the program began in 2001 and places Massachusetts in front of the national average success rate of 84%.

Previous Compliance Check results include the following: 2023 - 161 municipalities, 2485 establishments checked with 94 violations (4%); 2022 - 126 municipalities, 1727 establishments checked with 56 violations (3%); 2019 - 224 municipalities, 2756 establishments checked with 96 violations (3%); 2018 - 134 municipalities, 1699 establishments checked with 45 violations (3%); 2017 - 254 municipalities, 3198 establishments checked with 96 violations (3%); 2016 - 264 municipalities, 3177 establishments checked with 114 violations (4%); 2015 - 210 municipalities, 2155 establishments checked with 35 violations (2%); 2014 - 230 municipalities, 2178 establishments checked with 63 violations (3%); 2013 - 251 municipalities, 2686 establishments checked with 72 violations (3%); 2012 - 236 municipalities, 2287 establishments checked with 78 violations (3%); 2011 - 201 municipalities, 1975 establishments checked with 135 violations (7%). (These operations were postponed in 2020 and 2021 due to COVID closings and to protect the health of the underage operatives, as well as to ensure fairness for licensees.)

In 2024, the Division conducted Compliance Checks in 232 municipalities across the commonwealth, where there were 3387 licensed establishments checked, of which 57 failed (2%). Of the licensees checked, there were 1277 off-premise licensees of which 41 failed (3%); and 2110 on-premise licensees, of which 16 failed (1%).

### Enhanced Liquor Enforcement Programs

Massachusetts has one of the lowest ratios of enforcement agents to licensees in the country. Accordingly, the Division has developed Enhanced Liquor Enforcement Programs that are scheduled to address specific geographic and seasonal challenges relating to underage drinking and impaired driving, as well as alcohol-related community problems.

Operation Safe Campus is conducted at bars and liquor stores in college communities over a 6-week period at the beginning of each school year; Operation Safe Prom and Graduation is conducted at liquor stores throughout the commonwealth over an 8-week period during May and June; Operation Safe Summer is conducted at bars and liquor stores in summer communities over a 6-week period during July and August and Operation Safe Holidays is conducted at liquor stores throughout the commonwealth from Thanksgiving through December 31<sup>st</sup>.

To encourage family involvement and intervention in addressing the problem of underage drinking, the Division maintains a parent notification program to inform parents, at the time of the incident, of the situation in which their child is involved. Investigators have found this intervention to be very effective and well received by parents.

In 2024 these programs produced the following results: 1101 minors in possession or transporting alcoholic beverages; 93 adults procuring alcohol for minors; 293 individuals in possession of false identification; with 428 cases of beer and 338 bottles of alcohol confiscated by Investigators, preventing delivery to an estimated 5092 underage individuals.

Since 2005 these programs have resulted in the following cumulative results: 13,692 minors in possession or transporting alcoholic beverages; 3719 adults procuring alcohol for minors; 2135 individuals in possession of false identification; and 6263 cases of beer and 5221 bottles of alcohol were confiscated, preventing delivery to an estimated 82,694 underage individuals.

### Delivery Investigations

The online sale and delivery of alcoholic beverages increased by a reported 300% during the 2020 pandemic and the number of express transportation permits issued by the commission increased significantly. This method of order-delivery opened an avenue for underage individuals to order alcoholic beverages using Apps or third-party websites and have the alcoholic beverages delivered to them in public areas near colleges and in our communities.

While the process of investigating these deliveries is logistically challenging, in 2021 the Division initiated investigations into this most dangerous problem and found that one hundred percent of the delivery vehicles approached by Investigators were delivering alcoholic beverages to underage individuals, most near freshman and sophomore college residence halls.

The numerous charges brought against these companies in 2021 – 2022, as well as significant communication with the companies, has resulted in a significant reduction in violations in 2023 and 2024, which appears to be the result of a dramatic improvement of the delivery company policies and training programs. The Division plans to continue to allocate significant resources to address this critical public safety concern.

### Direct to Consumer (DtC) Investigations

In 2021 and 2022, the Division initiated minimum purchase age compliance checks for companies licensed pursuant to MGL Chapter 138 §19F. The findings indicated that 96% of the companies accepted the order and payment for alcoholic beverages from an underage operative, with 26% of the deliveries left at the door, 43% without obtaining an adult signature and no delivery driver verified the age of the recipient. The §19F licensees were issued warnings and Investigators communicated with the express companies to address age verification on delivery.

In 2023 and 2024, nearly all delivery drivers were found to provide in-person delivery and age verification, indicating improvement of company policies and training programs, however, while all §19F licensees requested the age of the purchaser, they completed the sale, indicating a considerable concern relative to the ability of the licensees to verify age in a remote sale. The Division plans to continue to allocate resources to address this concern.

### Interstate and International Investigations

Massachusetts General Law Chapter 138 §18 provides in part that; *In order to ensure the necessary control of traffic in alcoholic beverages for the preservation of the public peace and order, the shipment of such beverages into the commonwealth, except as provided in this section and sections 19F and 19G, is hereby prohibited;* and §2 provides that *No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this chapter.*

Social media and digital platforms have become interwoven into the fabric of our society and consumers have become increasingly dependent on the broad access to goods for sale through these mediums. However, this near-unlimited access to goods has increasingly exposed consumers, including minors, to unlicensed sales of alcohol and counterfeit products.

In recent years, the Division has initiated investigations into the unlawful sale and delivery of alcoholic beverages by various outlets and eCommerce platforms not licensed pursuant to the Massachusetts Liquor Control Act. Investigators have also uncovered unlawful international sales that cause concern relative to the integrity and quality of the alcohol beverages, where there have been significant reports of counterfeit alcohol products being sold from outside of the US alcohol regulatory system.

The Division has conducted numerous investigations that resulted in violations of the Massachusetts Liquor Control Act through the unlawful sale and shipment of alcoholic beverages, as well as finding that 32% of the deliveries were left at the door and only 7% verified the age of the recipient.

These unlawful sales impact the excise revenue of the Commonwealth, as well as the public safety of our citizens and the Division will continue to allocate resources accordingly to ensure compliance with the Massachusetts Liquor Control Act.

### Ethanol Investigations

In 2024 Investigators initiated several investigations into the unlawful interstate sale of products being promoted as *Pure Ethanol 200 Proof is 100% pure (non-denatured) food-grade ethanol*. Such products are highly regulated by the TTB and dangerous when sold to the consumer rather than for the intended commercial purpose.

### Industry Investigations

The Division conducted several specialized investigations into the wholesale and supplier levels of the alcohol industry, addressing price discrimination, credit compliance and unlawful inducement, as well as critical Tied-House compliance. In the case of the latter, Massachusetts General Law Chapter 138 §18 and §18B provide that *No person who holds a certificate under this section shall hold or be granted a license under section eighteen*, and Investigators have found suppliers that have constructed business models to circumvent this long-standing statutory prohibition and conflict with the required, regulated flow of commerce in beverage alcohol products in Massachusetts.

### Source Investigations

Source Investigations are conducted to investigate alcohol-related motor vehicle accidents that result in death or serious bodily injury and alcohol-related incidents that involve persons under the legal age; to discover the source of the alcoholic beverages consumed by the individual(s) involved in the incident and investigate whether the source of the alcohol violated Massachusetts law. By holding accountable licensed establishments that provide alcohol to minors or over serve their patrons, our goal is to see a reduction in the number of licensees selling alcohol to minors and intoxicated patrons – and, ultimately, fewer incidents and crashes in Massachusetts.

### Casino Enforcement

Massachusetts General Laws Chapter 10 §72A provides that *the commissioner of the alcoholic beverages control commission shall establish a gaming liquor enforcement unit whose responsibilities shall include enforcing, regulating and controlling the distribution of alcoholic beverages in a gaming establishment. The gaming liquor enforcement unit shall work in conjunction and cooperation with the investigations and enforcement bureau within the Massachusetts gaming commission established in chapter 23K*. In 2024 the Division conducted approximately 215 enforcement shifts at the Encore, MGM and Plainridge casinos.

### Illegal Gambling Investigations

The Division continued to conduct enforcement operations to prevent illegal gambling, primarily through the use of electronic video devices, at bars throughout the Commonwealth.

### Illegal Ownership - Control Investigations

The Division conducted investigations into unlawful ownership or control over bars and liquor stores throughout the commonwealth, endeavoring to ensure that licensees have disclosed all persons who have a direct or indirect financial or beneficial interest in a license, and to prevent individuals or organizations from controlling a licensed business for unlawful purposes.

### Cooperative Enforcement Operations with Municipal and State Law Enforcement

The Division worked in cooperation with municipal and state law enforcement agencies, which most often generates through requests from municipal police who have problematic licensees in their communities or who benefit from alcohol enforcement efforts at concert, event and sports venues, which has proven to result is significantly fewer arrests and calls for medical services.

### Training of Municipal and State Law Enforcement

The Division conducted training on the Liquor Control Act and Commission Regulations for several municipal and state law enforcement agencies, as well as on Interstate and Trade investigations for other state alcohol enforcement agencies and national organizations.

### License Application Investigations

In 2024, the Division completed 3145 investigations of license applicants to ensure compliance with the Liquor Control Act and to ensure satisfactory character and fitness of the applicants. In addition to retail license applications, investigations are conducted into applications for Wholesale, Storage Warehouse, Direct Wine Shippers, Express Delivery, Catering, Brewery, Winery and Distillery licenses.









