



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150-2358*

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**WANG'S LIQUORS LLC  
49 FRIEND STREET  
AMESBURY, MA 01913  
LICENSE#: 89202-PK-0022  
VIOLATION DATE: 4/06/2024  
HEARD: 7/30/2024**

Wang's Liquors LLC ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, July 30, 2024, regarding an alleged violation of M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 Count) which occurred on April 6, 2024.

The following documents are in evidence:

1. Investigative Report of M. Anderson;
2. ABCC Form 43, Transfer of License;
3. Photograph of Fraudulent Identification;
4. Photograph of Alcoholic Beverage.

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

1. On Saturday, April 6, 2024, at approximately 6:30 p.m., Investigators Bolcome and Anderson ("Investigators") were conducting surveillance of Wang's Liquors LLC. (Testimony, Exhibit 1)
2. At approximately 6:40 p.m., Investigators observed a youthful appearing male individual enter and then exit the licensed premises in possession of a brown paper bag. Investigators approached the male, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
3. Underage #1, actual date of birth 8/24/2004 (age 19), was in possession of one 750ml bottle of Chloe Prosecco. Underage #1 presented to Investigators a fraudulent Texas driver's license bearing his name but a different birth date, which he used to purchase the alcoholic beverages. (Testimony, Exhibits 1, 3, 4)

4. At approximately 6:55 p.m., Investigators entered the licensed premises and spoke to a male employee, Joseph Perreault, informed him of the violation, and that a report would be submitted to the Chief Investigator for further review. (Testimony, Exhibit 1)
5. Mr. Perreault had requested Underage #1 produce identification which he then ran through the Licensee's identification scanner. The scanner verified the Texas license as authentic. (Testimony)
6. The Licensee holds a license under M.G.L. c. 138, § 15. (Commission Records)

### DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm'n, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was "enacted ... to serve the public need and ... to protect the common good." M.G.L. c. 138, § 23. "[T]he purpose of discipline is not retribution, but the protection of the public." Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given "comprehensive powers of supervision over licensees." Connolly, 334 Mass. at 617.

The law is well-settled that the responsibility of the licensee is to exercise sufficiently close supervision so that there is compliance with the law on the premises. A vendor who sells alcohol is "bound at his own peril to keep within the condition of his license." Commonwealth v. Gould, 158 Mass. 499, 507 (1893); Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Comm'n, 7 Mass. App. Ct. 186, 190 (1979). It is, thus, quite possible for a licensee to offend the regulatory scheme without scienter. Rico's of the Berkshires, Inc. v. Alcoholic Beverages Control Comm'n, 19 Mass. App. Ct. 1026, 1027 (1985).

The Licensee is charged with a violation of M.G.L. c. 138, § 34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. M.G.L. c. 138, § 34 states, in pertinent part, that: "[w]hoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under twenty-one 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." M.G.L. c. 138, § 34.

In this matter, direct evidence was presented through the investigator's testimony as to her observations at the licensed premises on April 6, 2024, and her interactions with the underage individual and the Licensee's employee that followed, as well as the testimony of the Licensee's employee who made the sale to the underage individual after requesting and scanning his identification. The evidence shows the underage individual presented the Licensee with a fraudulent Texas driver's license. (Exhibit 3)

Massachusetts General Laws, Chapter 138, § 34B offers protection from license suspension or revocation or criminal penalties to license holders who reasonably rely on one of the types of identification specified in the statute, including a valid Massachusetts driver's license, Massachusetts liquor identification card, Massachusetts identification card, a United States passport, or a passport issued by the government – recognized by the United States – of a foreign country, a passport card for a U.S. passport, or a valid U.S. military identification card. See M.G.L. c. 138, § 34B. Consequently, an out-of-state driver's license provides no such defense.

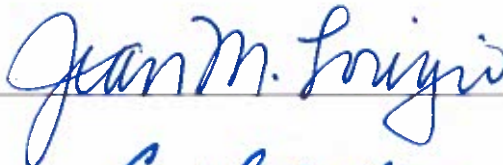
The Commission is persuaded by the evidence that Wang's Liquors LLC sold an alcoholic beverage to a person under twenty-one years of age. The Commission finds the Licensee committed a violation of M.G.L. c. 138, § 34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 Count). As a result, the Commission issues a WARNING.

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: February 10, 2025

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.

This document is important and should be translated immediately.  
Este documento es importante y debe ser traducido inmediatamente.  
Este documento é importante e deve ser traduzido imediatamente.  
Ce document est important et devrait être traduit immédiatement.  
Questo documento è importante e dovrebbe essere tradotto immediatamente.  
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.  
这份文件是重要的，应立即进行翻译。  
यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए  
Dokiman sa a enpòtan epi li ta dwe tradwi touswit  
'Đây là tài liệu quan trọng và cần được dịch ngay'  
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2024-000099-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Katherine McCormick, Associate General Counsel  
Melissa Anderson, Investigator  
David Bolcome, Investigator  
Bryan Chase, Esq.  
Administration, File