



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

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

NOTICE OF SUSPENSION

October 8, 2024

**SIMRA LLC D/B/A AMHERST MARKET  
259 TRIANGLE STREET  
AMHERST, MA 01002  
LICENSE#: 89833-PK-0024  
VIOLATION DATE: 5/12/2023  
HEARD: 12/12/2023**

After a hearing on December 12, 2023, the Commission finds Simra LLC d/b/a Amherst Market violated M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (8 counts). The Commission **suspends the license for a period of 11 days to be served.**

**The suspension shall commence on Monday, January 6, 2025, and terminate on Thursday, January 16, 2025.** The license will be delivered to the Local Licensing Board or its designee on Monday, Monday January 6, 2025, at 9:00 A.M. It will be returned to the licensee on January 17, 2025.

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 which must be signed by the Licensee and 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**

Jean M. Lorizio  
Chairman

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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។

2023-000164-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Melissa Anderson, Investigator  
Brian Gould, Investigator  
John E. Pearson, Esq.  
Administration, File



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*Alcoholic Beverages Control Commission*  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**SIMRA LLC D/B/A AMHERST MARKET**  
**259 TRIANGLE STREET**  
**AMHERST, MA 01002**  
**LICENSE#: 89833-PK-0024**  
**VIOLATION DATE: 5/12/2023**  
**HEARD: 12/12/2023**

Simra LLC d/b/a Amherst Market (the "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, December 12, 2023, regarding an alleged violation of M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (8 counts) which occurred on May 12, 2023, according to Investigator Anderson's Report.

The following documents are in evidence:

1. Investigator Anderson's Report;
2. ABCC Licensing Authority Certification, Transfer of License Approved, 8/17/2020;
3. ABCC Decision, 11/7/2023;
4. Photograph of Fraudulent Driver's Licenses Confiscated.

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

**FINDINGS OF FACT**

1. On Friday, April 21, 2023, Investigators Gould and Anderson ("Investigators") conducted surveillance of the business operation of Simra LLC d/b/a Amherst Market ("Licensee" or "Amherst Market"). (Testimony, Exhibit 1)
2. At approximately 7:20 p.m., Investigators observed a Ford Escape enter the Licensee's parking lot. Two youthful appearing male individuals exited the vehicle, entered Amherst Market and exited shortly thereafter in possession of alcoholic beverages. Investigators approached the individuals, identified themselves and requested proof of legal age to purchase and/or possess alcoholic beverages. Id.

3. Underage #1, actual date of birth 6/04/2004 (age 18), provided to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages. (Testimony, Exhibits 1, 4)
4. Underage #2, actual date of birth 1/31/2004 (age 19), provided to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages. Id.
5. Investigators confiscated two cases of Coors beer. (Testimony, Exhibit 1)
6. At approximately 7:50 p.m., Investigators observed a Subaru Outback enter the Licensee's parking lot. Two youthful appearing male individuals exited the vehicle, entered Amherst Market and exited shortly thereafter in possession of alcoholic beverages. Investigators approached the individuals, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
7. Underage #3, actual date of birth 4/04/2003 (age 20), provided to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages. (Testimony, Exhibits 1, 4)
8. Underage #4, actual date of birth 6/08/2003 (age 19), provided to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages. Id.
9. Investigators confiscated one case of Blue Moon beer, one box of wine, and one case of Natural Ice beer. (Testimony, Exhibit 1)
10. At approximately 8:16 p.m., Investigators observed a Chevy Blazer enter the Licensee's parking lot. One youthful appearing male individual exited the vehicle, entered Amherst Market and exited minutes later in possession of alcoholic beverages. Investigators approached the individual, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
11. Underage #5, actual date of birth 1/18/2004 (age 19), provided to Investigators a fraudulent Pennsylvania driver's license in his own name with a different birth date which he used to purchase the alcoholic beverage. (Testimony, Exhibits 1, 4)
12. Investigators confiscated one case of Natural Light beer. (Testimony, Exhibit 1)
13. At approximately 8:20 p.m., Investigators observed a Chevy Cruz enter the Licensee's parking lot. Two youthful appearing male individuals exited the vehicle, entered Amherst Market and exited minutes later in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
14. Underage #6, actual date of birth 3/29/2003 (age 20), provided to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages. (Testimony, Exhibits 1, 4)

15. Underage #7, actual date of birth 7/17/2002 (age 20), provided to Investigators a fraudulent Maine driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages. Id.
16. Investigators confiscated two cases of Natural Light beer and one case of Coors beer. (Testimony, Exhibit 1)
17. At approximately 8:35 p.m., Investigators observed an Audi enter the Licensee's parking lot. One youthful appearing male individual exited the vehicle, entered Amherst Market and exited minutes later in possession of alcoholic beverages. Investigators approached the individual, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
18. Underage #8, actual date of birth 6/21/2004 (age 19), provided to Investigators a fraudulent Mississippi driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages. (Testimony, Exhibits 1, 4)
19. Investigators confiscated one case of Bud Light beer. (Testimony, Exhibit 1)
20. At approximately 9:43 p.m., Investigators entered the licensed premises and spoke to the employee on duty. Investigators advised the employee of the eight violations which occurred between 7:20 p.m. and 8:35 p.m., and that a report would be submitted to the Chief Investigator for further review. Id.
21. Atif Tasneem, Licensee, appeared at the Commission hearing and testified he purchased an identification scanner in approximately September of 2023. He then purchased an upgraded identification scanner in October of 2023. (Testimony)
22. The Licensee has held a license under M.G.L. c. 138, §15 since 2020. (Exhibit 2)

### 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 of the eight individuals, later determined to be under the age of twenty-one, entering the licensed premises and shortly thereafter exiting the establishment in possession of alcoholic beverages.

The Commission is persuaded by the evidence that Simra LLC d/b/a Amherst Market sold and/or delivered alcoholic beverages to persons under twenty-one years of age. The Commission finds that 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 (8 counts).

#### 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 (21) years of age (8 counts). Therefore, the Commission **suspends the license for a period of 11 days.**

#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Crystal Matthews, Commissioner

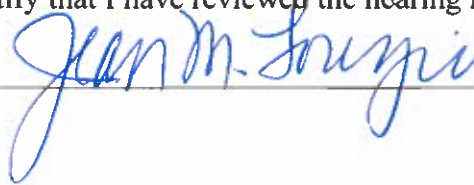


Deborah Baglio, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman



Dated: October 8, 2024

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.

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