



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF INDEFINITE SUSPENSION

February 10, 2021

**YEHYA ELKAHATIB (INDIVIDUAL) D/B/A BORDER BETS & BUTTS
661 WASHINGTON STREET
ATTLEBOROUGH, MA 02703
LICENSE#: 00098-PK-0050
VIOLATION DATE: 12/04/2020
HEARD: 1/25/2021**

After a hearing on January 25, 2021, the Commission finds Yehya Elkahatib (Individual) d/b/a Border Bets & Butts violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 53 (Nov. 2, 2020) – Sale, service, or delivery of alcoholic beverages after 9:30 pm.

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Yehya Elkahatib (Individual) d/b/a Border Bets & Butts **effective forthwith** until further written order of the Commission.

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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这份文件是重要的，应立即进行翻译。

**cc: Local Licensing Board
 Frederick G. Mahony, Chief Investigator
 Kyle E. Gill, Esq., Associate General Counsel
 Robert Gardner, Investigator
 Nicholas Velez, Investigator
 Michael Flanagan, Dept. of Labor Standards
 Administration, File**



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DECISION

**YEHYA ELKAHATIB (INDIVIDUAL) D/B/A BORDER BETS & BUTTS
661 WASHINGTON STREET
ATTLEBOROUGH, MA 02703
LICENSE#: 00098-PK-0050
VIOLATION DATE: 12/04/2020
HEARD: 1/25/2021**

Yehya Elkahatib (Individual) d/b/a Border Bets & Butts ("Licensee") holds an alcoholic beverages 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 Monday, January 25, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 53 (Nov. 2, 2020) – Sale, service, or delivery of alcoholic beverages after 9:30 pm. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Gardner's Report.

The following documents are in evidence:

1. Investigator Gardner's Report;
2. Form 43 License Approval, 4/20/2004;
3. Copy of Receipt for Alcohol Purchase, 12/4/2020;
4. Massachusetts Executive COVID-19 Order No. 53, 11/2/2020;
5. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, December 4, 2020, Investigators Velez and Gardner ("Investigators"), conducted an investigation of Yehya Elkahatib (Individual) d/b/a Border Bets & Butts to determine the manner in which its business was being conducted, and to ensure compliance with Massachusetts Governor Charles Baker's Executive COVID-19 Orders.
2. At approximately 10:25 p.m., Investigator Gardner observed an individual exit the licensed premises in possession of alcoholic beverages.
3. Investigator Gardner pulled into the parking lot of the premises where he observed six (6) individuals enter the store and then exit the store in possession of alcoholic beverages.

4. Investigator Gardner contacted Investigator Velez, who joined him in the parking lot.
5. Investigators entered the licensed premises and observed two individuals purchase alcoholic beverages. Investigators obtained the receipt for this purchase which indicated: 12/4/2020, 10:41 p.m., one 24-pack of Corona beer; one Mike's Harder Cranberry [malted beverage]. The total for the sale was \$34.44.
6. Investigators advised the clerk on duty, Chris, of the violation. Chris stated that he was unaware that alcohol sales must stop at 9:30 p.m.
7. Investigators advised Chris that alcohol sales should cease for the remainder of the evening.
8. Investigators advised Chris of the violations and that a report would be filed with the Chief Investigator for further review.
9. Mr. Elkhatib, the Licensee, appeared at the Commission hearing along with his son, Munib Elkhatib. The Licensee mistakenly believed that as a convenience store, he was allowed to operate during his normal business hours. Mr. Elkhatib spoke with Investigator Gardner the day following the investigation. He immediately took steps to comply with COVID Order No. 53 and began closing the establishment at 9:30 p.m.
10. The Licensee has held a license under M.G.L. c. 138, § 12 since 2004 with no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 53 (Nov. 2, 2020) – Sale, service, or delivery of alcoholic beverages after 9:30 pm.

Therefore, the Commission hereby **INDEFINITELY SUSPENDS** the license of Yehya Elkhatib (Individual) d/b/a Border Bets & Butts **effective forthwith** until further written order of the Commission.

The Commission will not issue any further order without a written request from the licensee showing good cause to reconsider this indefinite suspension.

Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan. The Licensee must submit to the DLS a COVID Control Plan to reopen (see link here: <https://www.mass.gov/doc/sector-specific-workplace-safety-standards-phase-iii-step-1-for-restaurants-to-address-covid-1/download>) and operate in compliance with COVID 19 Orders Nos. 33, 37, 40 and 43, and the Restaurant Sector Specific Standards. Said plan must be submitted to both Michael Flanagan (michael.flanagan@mass.gov) and Mary Dozois (mary.dozois@mass.gov) requesting review and approval.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner Deborah A. Baglio

Jean M. Lorizio, Chairman Jean M. Lorizio

Crystal Matthews, Commissioner Crystal Matthews

Dated: February 10, 2021

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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