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Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

**G & J LIQUORS, INC.
87 SOUTHBRIDGE ST.
AUBURN, MA 01501
LICENSE#: 0054-00028
VIOLATION DATE: 9/08/2017
HEARD: 12/12/2017**

G & J Liquors, Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 12, 2017, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (2 counts). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Keefe's report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report;
2. Licensee's Stipulation of Facts; and
3. Photocopy of Fraudulent Rhode Island Driver's Licenses.
 - A. Photographs of the Interior of Premises; and
 - B. Photographs of ID Scanners.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Friday, September 8, 2017, at approximately 3:25 p.m., Investigators Kujawski and Keefe ("Investigators") conducted an investigation of the business operation of G & J Liquors, Inc. to determine the manner in which its business was being conducted.
2. While outside of the licensed premises and within the span of approximately 5 minutes, Investigators observed two separate youthful appearing individuals enter the premises and then each male exit in possession of an alcoholic beverages.
3. Investigators approached the youthful appearing individuals, identified themselves, and asked for proof of legal age.

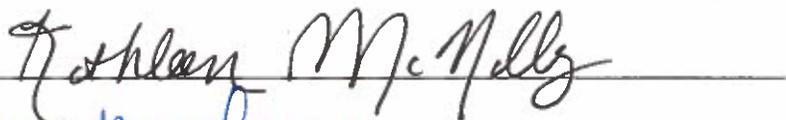
4. Underage #1, actual date of birth 10/05/1997 (age 19) was in possession of two cans of Four Loko; two packages of Smirnoff vodka nips; and one package of Fireball whiskey nips. He presented Investigators with a fraudulent Rhode Island driver's license before providing his true identification.
5. Underage #2, actual date of birth 9/19/1999 (age 17) was in possession of a 36-pack of Bud Light beer; an 18-pack of Bud Light beer; an 18-pack of Natural Light beer; a 12-pack of Natural Light beer; and a 12-pack of Twisted Tea malt beverage. He presented Investigators with a fraudulent Rhode Island driver's license before providing his true identification.
6. Investigators brought the two minors back into the store so that each could identify the clerk from whom he purchased the alcoholic beverages. Underage #1 identified Roberto Lara-Voloy while Underage #2 identified a second clerk, Newal Gereige.
7. Both clerks stated to Investigators that each had scanned the Rhode Island driver's license presented to him and each identification registered as valid.
8. Investigators spoke to the owner George Jreij. Investigators informed Mr. Jreij of the above violations and that a report would be filed with the Chief Investigator for further action.

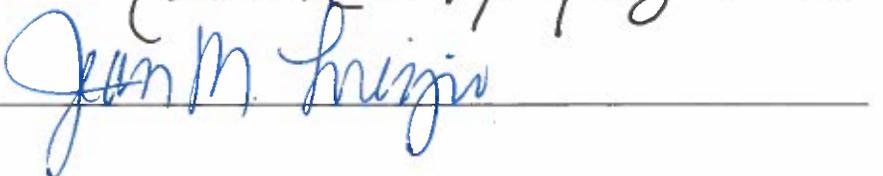
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (2 counts). Therefore, the Commission **suspends the license for ten (10) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Jean M. Lorizio, Chairman 

Dated: December 13, 2017

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration, File