



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

Jean M. Lorizio, Esq.
Chairman

December 3, 2025

NOTICE OF SUSPENSION

**KSMP ENTERPRISES INC. D/B/A SEA STREET FOOD MART
231 SEA STREET
BARNSTABLE, MA 02601
LICENSE#: 89642-PK-0070
VIOLATION DATE: 4/13/2024
HEARD: 10/15/2024**

After a hearing on October 15, 2024, the Commission finds KSMP Enterprises Inc. d/b/a Sea Street Food Mart violated M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count).

The Commission suspends the license for a period of one (1) day to be served.

The suspension shall be served on Monday, January 26, 2026. The license will be delivered to the Local Licensing Board or its designee on Monday, January 26, 2026, at 9:00 A.M. It will be returned to the licensee on January 27, 2026.

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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2024-000160-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Mark Kenny, Investigator
Jamie Binienda, Investigator
Administration, File



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Alcoholic Beverages Control Commission
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DECISION

**KSMP ENTERPRISES INC. D/B/A SEA STREET FOOD MART
231 SEA STREET
BARNSTABLE, MA 02601
LICENSE#: 89642-PK-0070
VIOLATION DATE: 4/13/2024
HEARD: 10/15/2024**

KSMP Enterprises Inc. d/b/a Sea Street Food Mart ("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, October 15, 2024, regarding 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 (1 count).

The following documents are in evidence:

1. Investigative Report of M. Kenny;
2. ABCC Licensing Authority Certification, Transfer of License Approved, 9/17/2019.

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

FINDINGS OF FACT

1. On Saturday, April 13, 2024, Investigators Binienda and Kenny ("Investigators") inspected the business operation of KSMP Enterprises Inc. d/b/a Sea Street Food Mart ("Licensee" or "Sea St Food Mart"). (Testimony, Exhibit 1)
2. At approximately 6:15 p.m., Investigators observed a youthful appearing female enter the licensed premises and shortly thereafter, exit the establishment 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.
3. Underage #1, actual date of birth 9/02/2006 (age 17), was in possession of one 6-pack of Smirnoff Ice Grape and one 6-pack of Mikes Hard Cranberry Lemonade. Id.
4. Investigators entered the licensed premises and identified themselves to the clerk on duty and advised the clerk that a violation report would be submitted to the Chief Investigator for further action. Id.

5. Pasang Diki Sherpa, the manager of record, appeared at the hearing along with a clerk. (Testimony)
6. The Licensee has held a license under M.G.L. c. 138, § 15 since 2019. (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 Investigator Kenny’s testimony as to his observations at the licensed premises on the night of April 13, 2024, his interactions with the underage individual, and the Licensee’s employee. (Testimony, Exhibit 1)

The Commission is persuaded by the evidence that KSMP Enterprises Inc. d/b/a Sea Street Food Mart sold alcoholic beverages to persons 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 (1 count).

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 (1 count). As a result, the Commission **SUSPENDS the license for one (1) day.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah Baglio, Commissioner Deborah A Baglio

Crystal Matthews, Commissioner Crystal Matthews

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

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: December 3, 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.

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