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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 4, 2026

MPG CORP. D/B/A GARRETT'S FAMILY MARKET
1617 FALMOUTH ROAD
BARNSTABLE (CENTERVILLE), MA 02632
LICENSE#: 90205-PK-0070
VIOLATION DATE: 11/07/2025
HEARD: 1/20/2026

After a hearing on January 20, 2026, the Commission finds MPG Corp. d/b/a Garrett's Family Market violated 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: 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 two (2) days to be served.**

The suspension shall commence on Monday, October 19, 2026, and terminate on Tuesday, October 20, 2026. The license will be delivered to the Local Licensing Board or its designee on Monday, October 19, 2026, at 9:00 A.M. It will be returned to the Licensee on October 21, 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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2025-000174-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Henry DiGiacomo, Esq., Associate General Counsel
Sean Smiddy, Investigator
Jamie Binienda, Deputy Chief Investigator
Alicia O'Brien, Investigator
Louis Cassis, Esq.
Administration, File

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DECISION

MPG CORP. D/B/A GARRETT'S FAMILY MARKET
1617 FALMOUTH ROAD
BARNSTABLE (CENTERVILLE), MA 02632
LICENSE#: 90205-PK-0070
VIOLATION DATE: 11/07/2025
HEARD: 1/20/2026

MPG Corp. d/b/a Garrett's Family Market ("Licensee" or "Garrett's Family Market") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a hearing on Tuesday, January 20, 2026, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: 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 S. Smiddy;
2. Photo of Fraudulent Identification;
3. Screenshot of Instagram Post;
4. ABCC Licensing Authority Certification, Transfer of License Approved by LLA 2/14/2022.

A. Screenshots of Instagram Posts;
B. Screenshot of Video Surveillance of Sale.

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

FINDINGS OF FACT

1. On Friday, November 7, 2025, at approximately 8:45 p.m., Investigators O'Brien, Smiddy and Binienda ("Investigators") conducted surveillance of the business operation of MPG Corp. d/b/a Garrett's Family Market. (Testimony, Exhibit 1)

2. At approximately 9:00 p.m., Investigators observed a black Volvo, occupied by three youthful appearing female individuals, enter the parking lot of Garrett's Family Market. Investigators observed a female passenger exit the vehicle and enter the establishment. Id.

3. Investigator Binienda followed the female into the store and watched her purchase alcoholic beverages. (Testimony)

4. The female exited the licensed premises in possession of alcoholic beverages. Investigators approached her, identified themselves and requested proof of legal age to purchase and/or possess alcoholic beverages. (Testimony, Exhibit 1)

5. Underage #1, actual date of birth 8/8/2009 (age 16), was in possession of one 1.75 L Buzzballz pumpkin flavor, one 1.75 L Buzzballz choco flavor, and one 187 ML Buzzballz Chiller egg nog flavor. She presented to Investigators a fraudulent Illinois driver's license bearing a variation of her name but a different birth date, which she stated she used to purchase the alcoholic beverages. A parent of Underage #1 was notified. (Testimony, Exhibits 1, 2)

6. Underage #1 identified the clerk who sold her the alcoholic beverages. (Testimony, Exhibit 1)

7. Investigators informed the clerk of the above violation and that a report would be submitted to the Chief Investigator for further review. Id.

8. Richard Cleary, Manager, appeared at the Commission hearing. (Testimony)

9. The Licensee has held a license under M.G.L. c. 138, § 15 since 2022 with no prior violations. (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 investigators' testimony as to their observations at the licensed premises on November 7, 2025, and their interactions with the underage individual as well as with the employee of the Licensee. Investigator Binienda was inside the licensed premises and witnessed the sale of alcoholic beverages to the underage individual.

The evidence shows the underage individual presented the Licensee with a fraudulent Illinois driver's license. 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, a valid U.S. military identification card, a valid driver's license issued by another state, or a Global Entry card issued by the United States Customs and Border Protection. See M.G.L. c. 138, § 34B. Consequently, the fraudulent Illinois identification provides no such defense.

The Commission is persuaded by the evidence that MPG Corp., d/b/a Garrett's Family Market sold alcoholic beverages to a person who was 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 (1 count).

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: 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 two (2) days**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman _____

Crystal Matthews, Commissioner _____

Deborah Baglio, Commissioner _____

Dated: September 4, 2026

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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