



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

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

NOTICE OF SUSPENSION

August 29, 2023

**B K LAND CORP. D/B/A CORNER VARIETY  
84 HALE STREET  
BEVERLY MA 01915  
LICENSE#: 00045-PK-0100  
VIOLATION DATES: 9/22/2022 and 10/7/2022  
HEARD: 1/10/2023**

After a hearing on January 10, 2023, the Commission finds B K Land Corp. d/b/a Corner Variety 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 (4 Counts) on 9/22/2022 and (3 Counts) on 10/7/2022.

On the first violation which occurred on 9/22/2022, the Commission **suspends the license for a period of 4 days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

On the second violation which occurred on 10/7/2022, the Commission **suspends the license for a period of 4 days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

The Commission **suspends the license for a period of two (2) days to be served.**

**The suspension shall commence on Monday, October 16, 2023, and terminate on Tuesday October 17, 2023.** The license will be delivered to the Local Licensing Board or its designee on Monday, October 16, 2023, at 9:00 A.M. It will be returned to the licensee on October 18, 2023.

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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2022-000173-ad-enf  
2022-000178-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
David Bolcome, Investigator  
Melissa Anderson, Investigator  
Dennis Keefe, Investigator  
Katelyn Quinn, Investigator  
H. Glenn Alberich, Esq.  
Administration, File



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Alcoholic Beverages Control Commission  
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**DECISION**

**B K LAND CORP. D/B/A CORNER VARIETY  
84 HALE STREET  
BEVERLY MA 01915  
LICENSE#: 00045-PK-0100  
VIOLATION DATES: 9/22/2022 and 10/7/2022  
HEARD: 1/10/2023**

B K Land Corp. d/b/a Corner Variety (the "Licensee" or "Corner Variety") 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, January 10, 2023, regarding alleged violations of:

- 1) 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 (4 Counts) on 9/22/2022;
- 2) M.G.L. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts) on 10/7/2022.<sup>1</sup>

The following documents are in evidence:

1. Investigator Bolcome's Report, 9/22/2022;
2. Investigator Bolcome's Report, 10/7/2022;
3. ABCC Form 43, Transfer of License Approval, 5/25/2005;
4. Fraudulent Identifications Confiscated on 9/22/2022;
5. Photos of Genuine Identifications and Fraudulent Identification Confiscated on 10/7/2022.

- A. Licensee's Memorandum in Support of Licensee with Attachment;
- B. Affidavit of Kil Yong Chon with Attachments;
- C. Affidavit of Boo Hee Chon

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

**FINDINGS OF FACT**

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<sup>1</sup> At the commencement of the hearing, a joint request was made to consolidate hearings regarding violations which occurred on 9/22/2022 and 10/7/2022. The Commission allowed said request.

RE: September 22, 2022

1. On Thursday, September 22, 2022, Investigators Anderson, Keefe, Quinn, and Bolcome (“Investigators”), inspected the business operation of B K Land Corp. d/b/a Corner Variety to determine the way its business was being conducted. (Testimony, Exhibit 1)
2. At approximately 5:45 p.m. while conducting surveillance outside the licensed premises, Investigators observed a youthful appearing male individual exit the establishment carrying alcoholic beverages. Investigators 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 11/7/2002 (age 19), was in possession of one 30-pack of Busch Light beer, two 750-ml bottles of Crane Lake red wine, and one 750-ml bottle of Barefoot wine. Underage #1 provided Investigators with a fraudulent Massachusetts driver’s license bearing his own name but a different address and birth date. Id.
4. Approximately one hour later, Investigators observed two youthful appearing male individuals exit the licensed premises carrying alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
5. Underage #2, actual date of birth 8/14/2002 (age 20), was in possession of one 6-pack of Modelo beer. Id.
6. Underage #3, actual date of birth 12/20/2001 (age 20), was in possession of one 30-pack of Budweiser beer. Id.
7. Both individuals told Investigators that they were not asked for identification when they purchased the alcoholic beverages. Id.
8. Investigators entered the licensed premises with Underage #2 and #3 to speak to the clerk on duty. While waiting, Investigators observed the sale of alcoholic beverages to a youthful appearing female individual. Investigators identified themselves to the female and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
9. Underage #4, actual date of birth 6/19/2003 (age 19), was in possession of one 750-ml bottle of Rancho La Gloria Margarita and six individual Beatbox mixed drinks. She provided Investigators with a fraudulent Vermont driver’s license bearing her own name but a different birth date. Id.
10. Investigators spoke to Mr. Kil Yong Chon, the clerk on duty, informed him of the violation and that a report would be filed with the Chief Investigator for further action. Id.
11. Soon after the incident on September 22, 2022, the Licensee purchased an identification scanner. The Licensee believed the identification scanner would assess the age of a patron, as well as the legitimacy of the identification presented. (Exhibit C)

RE: October 7, 2022:

12. On Friday, October 7, 2022, Investigators Quinn, and Bolcome (“Investigators”), inspected the business operation of B K Land Corp. d/b/a Corner Variety to determine the way its business was being conducted. (Testimony, Exhibit 2)
13. While conducting surveillance outside the licensed premises, at approximately 4:15 p.m., Investigators observed a youthful appearing male individual exit the establishment carrying alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
14. Underage #1, actual date of birth 2/04/2002 (age 20), was in possession of one 30-pack of Busch Light beer and one 6-pack of Modelo beer. Underage #1 provided to Investigators his genuine Massachusetts Junior Operator’s license which indicated that he was 20 years of age. Id.
15. At approximately 6:00 p.m., Investigators observed a youthful appearing female individual exit the establishment carrying alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
16. Underage #2, actual date of birth 11/25/2002 (age 19), was in possession of one 12-pack of White Claw Hard Seltzer. Underage #2 provided to Investigators her genuine Massachusetts Junior Operator’s license which indicated she was 19 years of age. Id.
17. Approximately forty-five minutes later, Investigators observed another youthful appearing female individual exit the licensed premises carrying alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
18. Underage #3, actual date of birth 12/04/2002 (age 19), was in possession of one 12-pack of Bud Light Seltzer, two one-pint 7.5 ounces cans of Four Loko, and two one-pint 7.5 ounces cans of Smirnoff Ice Smash Pink Lemonade. Underage #3 provided to Investigators a fraudulent Maine driver’s license bearing her own name but a different address and birth date which she stated was scanned by the clerk. Id.
19. At approximately 7:15 p.m., Investigators entered the establishment to speak with the clerk on duty, Mr. Chon, advised him of the violation and that a violation report would be submitted to the Chief Investigator for further review. Id.
20. The Licensee, Ms. Boo Hee Chon and. her husband, the clerk on duty on both September 22, 2022, and October 7, 2022, Mr. Kil Yong Chon, appeared at the Commission hearing.
21. Underage #1 and Underage #2 used fraudulent identifications to purchase alcoholic beverages from the Licensee. These fraudulent identifications were scanned and reported as “Age OK.” (Exhibits B, C)
22. The Licensee has instituted new policies and procedures to prevent future violations, including requiring customers provide two forms of identification to purchase alcoholic beverages. For students and youthful-appearing customers with out of state identifications,

the Licensee requires a Massachusetts Liquor Purchase Identification Card, a valid passport or valid military identification card. Id.

23. The Licensee has held a license under M.G.L. c. 138, § 15 since 2005 with no prior violations.

### 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 Licensee is charged with a violation of Massachusetts General Law Chapter 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (7 counts: 4 counts on September 22, 2022, and 3 counts on October 7, 2022). M.G.L., Chapter 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.

Investigator Bolcome testified as to his personal observations and interactions with the Underage Individuals on both September 22, 2022, and October 7, 2022, wherein the majority were observed exiting the licensed premises in possession of alcoholic beverages, and one individual purchased alcoholic beverages in the licensed premises in plain view of Investigators.

As to the events of September 22, 2022, the Licensee admitted that 4 people under the age of twenty-one purchased alcohol at the licensed premises. In mitigation the Licensee offered that 2 of the 4 were asked to produce identification and produced identification which indicated they were over the age of twenty-one years old. The Licensee further offered that the other 2 patrons were not asked to produce identification because they had been in the store on prior occasions and had previously produced satisfactory identification. (Exhibits B, C)

As to the events on October 7, 2022, the Licensee admitted that 3 people under the age of twenty-one purchased alcoholic beverages at the licensed premises. The Licensee asserted here that the 3 patrons were asked for and produced identification. Evidence was presented that the 3 identifications were scanned through the Licensee’s identification scanning machine which indicated “Age OK” for each of the 3 patrons. (Exhibits B, C)

The Licensee conceded she mistakenly believed the identification scanner would not only assess the age of a patron but also whether an identification was, in fact, legitimate. (Exhibit C)

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, or a valid U.S. military identification card. See M.G.L. c. 138, § 34B. Here the identifications relied upon were not valid.

The Commission is persuaded by the evidence that B K Land Corp. d/b/a Corner Variety sold alcoholic beverages to persons under twenty-one years of age on September 22, 2022, and October 7, 2022. 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 on September 22, 2022 (4 counts) and October 7, 2022 (3 counts).

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

- 1) 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 (4 Counts) on 9/22/2022.

On the first violation which occurred on 9/22/2022, the Commission **suspends the license for a period of 4 days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

- 2) M.G.L. Ch.138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts) on 10/7/2022.

On the second violation which occurred on 10/7/2022, the Commission **suspends the license for a period of 4 days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

**The Licensee will serve a total of two (2) days.**

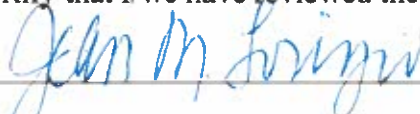
### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

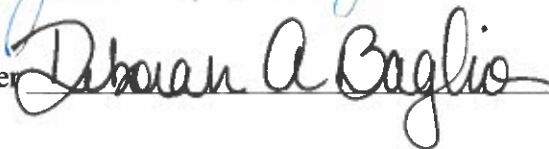


I/We, the undersigned, hereby certify that I/we have reviewed the hearing record.

Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Dated: August 29, 2023

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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