



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**247 BOSTON ROAD CORP. D/B/A BILLERICA LIQUORS
245 BOSTON ROAD
BILLERICA, MA 01862
LICENSE#: 00035-PK-0106
VIOLATION DATE: 12/09/2022
HEARD: 3/07/2023**

247 Boston Road Corp. d/b/a Billerica Liquors (“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, March 7, 2023, regarding an alleged violation of M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Keefe’s Report.

The following documents are in evidence:

1. Investigator Keefe’s Report;
 2. ABCC Form 43, License Transfer Approval, 3/20/2015;
 3. Photograph of Fraudulent Illinois Driver’s License Confiscated;
 4. Licensee’s Stipulation of Facts.
- A. Receipt for ID Checking Machine

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

FINDINGS OF FACT

1. On Friday, December 9, 2022, at approximately 7:15 p.m., Investigators Gould and Keefe (“Investigators”), inspected 247 Boston Road Corp. d/b/a Billerica Liquors to determine the way its business was being conducted.
2. Investigators observed two youthful appearing male individuals exit the licensed premises in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
3. Both individuals admitted that they were under 21-years of age. The underage individuals were in possession of one 12-pack of Bud Light beer, one 30-pack of Bud Light beer, one 12-pack of High Noon beer, and three 10-packs of Doctor McGillicuddy miniature bottles.

4. Underage #1, actual date of birth 2/02/2002 (age 20), presented to Investigators a fraudulent Illinois driver's license bearing his name but with a different birth date which he used to purchase the alcoholic beverages.
5. Investigators entered the licensed premises and spoke to the manager, Anil Patel. Mr. Patel admitted that he sold the alcoholic beverages to Underage #1.
6. Investigators informed Mr. Patel of the violation and that a report would be filed with the Chief Investigator for further review.
7. Mr. Patel appeared at the Commission hearing. The Commission was informed that the Licensee has since enhanced their practices to prevent future violations, including purchasing an identification scanner.
8. The Licensee has held a license under M.G.L. c. 138, § 15 since 2015 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: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman _____

Jean M. Lorizio

Crystal Matthews, Commissioner _____

Crystal Matthews

Deborah A. Baglio, Commissioner _____

Deborah A. Baglio

Dated: May 31, 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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2022-000212-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Dennis Keefe, Investigator
Brian Gould, Investigator
Peter J. Nicosia, Esq.
Administration, File