



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

October 11, 2024

**BOSTON DOMINICAN INC. D/B/A PUNTA CANA MARKET
168 BELGRADE AVENUE
BOSTON, MA 02131
LICENSE#: 89963-PK-0116
VIOLATION DATE: 11/22/2023
HEARD: 4/02/2024**

After a hearing on March 26, 2024, the Commission finds Boston Dominican Inc. d/b/a Punta Cana Market violated 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). The Commission **suspends the license for a period five (5) days, of which four (4) days will be served and one (1) day 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 suspension shall commence on Monday, December 2, 2024 and terminate on Thursday December 5, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, December 2, 2024, at 9:00 A.M. It will be returned to the licensee on December 6, 2024.

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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ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2024-000010-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
John David, Investigator
Brian Gould, Investigator
Jennifer Allen, Esq.
Administration, File



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DECISION

**BOSTON DOMINICAN INC. D/B/A PUNTA CANA MARKET
168 BELGRADE AVENUE
BOSTON, MA 02131
LICENSE#: 89963-PK-0116
VIOLATION DATE: 11/22/2023
HEARD: 4/02/2024**

Boston Dominican Inc. d/b/a Punta Cana Market (the "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, April 2, 2024, regarding an 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 (4 counts). Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Violation Report;
2. Photographs of Fraudulent Identifications;
3. ABCC Licensing Authority Certification, Transfer of License Approved 3/17/2021;
4. ABCC Decision, 1/25/2024;
5. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Wednesday, November 22, 2023, at approximately 6:40 p.m., Investigators David, Gould, and Teehan ("Investigators") conducted surveillance of Boston Dominican Inc. d/b/a Punta Cana Market ("Licensee" or "Punta Cana Market").
2. Investigators observed a black Nissan Rogue motor vehicle with youthful appearing individuals in front of the establishment. Investigators observed two individuals exit the vehicle and enter the store.

3. Investigators observed the same two individuals exit the licensed premises in possession of what appeared to be alcoholic beverages and enter the motor vehicle. Investigators approached the individuals and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
4. The individuals were in possession of 10 Dr. McGillicuddy's Menthol Schnapps nips, one 12-pack of Bud Light beer, one 30-pack of Bud Light beer, one 18-pack of Coors Light beer, and one can of White Claw Hard Seltzer.
5. Underage #1, actual date of birth 5/17/2005 (age 18), provided to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date that he used to purchase the alcoholic beverages.
6. Underage #2, actual date of birth 4/01/2005 (age 18), provided to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date that he used to purchase the alcoholic beverages.
7. Investigators confiscated the fraudulent identifications and the alcoholic beverages.
8. At approximately 6:50 p.m., Investigators entered the premises with Underage #1 and #2 and they identified Lorenzo Mercado, Licensee and Manager of Record, as the person who sold them the alcoholic beverages. Investigators advised Mr. Mercado of the violations, and that a report would be submitted to the Chief Investigator for further review.
9. At approximately 7:20 p.m., Investigators observed a youthful appearing male individual enter Punta Cana Markt and exit shortly thereafter in possession of what appeared to be alcoholic beverages. Investigators approached and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
10. Underage #3, actual date of birth 5/27/2007 (age 16), was in possession of one 12-pack of Twisted Tea. He provided to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages. Investigators confiscated the fraudulent identification and the alcoholic beverages and contacted Underage #3's father.
11. At approximately 7:40 p.m., Investigators observed a youthful appearing male individual enter Punta Cana Market and exit shortly thereafter in possession of one 12-pack of Michelob Ultra beer. Investigators approached and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
12. Underage #4, actual date of birth 10/24/2005 (age 18), provided to Investigators a fraudulent Rhode Island driver's license bearing his name but a different birth date that he used to purchase the alcoholic beverages. Underage #4 identified Mr. Mercado as the person who sold him the alcoholic beverages by pointing him out to investigators through the window.
13. At approximately 8:30 p.m., Investigators entered Punta Cana Market and spoke to Mr. Mercado of the additional violations. Investigators advised Mr. Mercado that a report would be submitted to the Chief Investigator for further review.

14. Mr. Mercado appeared at the Commission hearing. The Commission was informed of steps taken after this night to prevent future sales to underage individuals. The Licensee purchased an identification scanner and has implemented a new policy wherein all patrons seeking to purchase alcoholic beverages are required to produce identification.

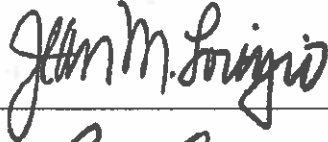
15. The Licensee has held a license under M.G.L. c. 138, § 15 since 2021.

CONCLUSION

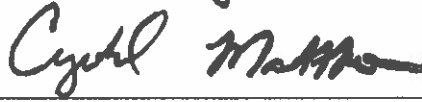
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (4 counts). Therefore, the Commission **suspends the license for a period of five (5) days, of which four (4) days will be served and one (1) day 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.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: October 11, 2024

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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Dokiman sa a enpòtan epi li ta dwe tradwi touswit

'Đây là tài liệu quan trọng và cần được dịch ngay'

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