



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**BROOKLINE LIQUOR MART INC.
1436 COMMONWEALTH AVENUE
BOSTON, MA 02135
LICENSE#: 00939-PK-0116
VIOLATION DATE: 9/17/2020
HEARD: 10/26/2021**

Brookline Liquor Mart Inc. d/b/a Brookline Liquor Mart (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, October 26, 2021, 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 (2 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 Investigative Report;
2. ABCC Form 43 New License Approval, 12/11/1969;
3. Photocopy of Confiscated Fraudulent Identifications;
4. ABCC Decision, 12/8/2015;
5. ABCC Decision, 6/15/1976;
6. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, September 17, 2020, Investigators Lordan and Teehan ("Investigators") conducted an inspection of the business operation of Brookline Liquor Mart Inc. d/b/a Brookline Liquor Mart to determine the manner in which its business was being conducted.
2. At approximately 8:40 p.m., while outside the licensed premises, Investigators observed two youthful looking male individuals exit the store in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.

3. Underage #1, actual date of birth 3/12/2002 (age 18), was in possession of two 30-packs of Bud Light beer. He presented to Investigators a fraudulent Connecticut driver's license in his own name with a different birth date. He informed Investigators he had used the fraudulent driver's license to purchase the alcoholic beverages.
4. Underage #2, actual date of birth 2/07/2002 (age 18), was in possession of one 30-pack of Bud Light beer, one 12-pack of White Claw Hard Seltzer, and a sleeve of Dr. McGillicuddy Nips. He presented to Investigators a fraudulent New Jersey driver's license in his name with a different birth date, which he stated he had used to purchase the alcohol beverages.
5. Investigators informed the clerk on duty of the violations and that a report would be filed with the Chief Investigator for further action.
6. Mr. Shaul Jason Katz, the Licensee, appeared at the Commission hearing and testified the employee who made the sales was suspended. He added that if she had served the minor patrons without requesting identification, she would have been terminated. Mr. Katz stated he takes his responsibility as a license holder seriously and has updated his scanner software in an effort to prevent future sales to minor patrons.
7. The Licensee has held a license under M.G.L. c. 138, § 15 since 1969.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 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 (2 Counts). Therefore, the Commission **suspends the license for a period of three (3) days which are hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Jean M. Lorizio, Chairman



Dated: November 30, 2021

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Michael Teehan, Investigator
Lisa Watson, Investigator
Administration, File