

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

Jean M. Lorizio, Esq.
Chairman

DECISION

**CHANSKY MARKET INC. D/B/A CHANSKY'S SUPER MARKET
1700 COMMONWEALTH AVENUE
BOSTON, MA 02135
LICENSE#: 89503-PK-0116
VIOLATION DATE: 10/02/2020
HEARD: 10/19/2021**

Chansky Market Inc. d/b/a Chansky's Super 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, October 19, 2021 regarding an alleged violation of 204 CMR 2.05(2) Permitting an illegality on the licensee 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). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Guarino's Report.

The following documents are in evidence:

1. Investigator Guarino's Report;
2. ABCC Approval Cover Sheet, License Transfer Approved 3/17/2019;
3. Photocopy of Fraudulent Identification, Genuine Identifications and Alcoholic Beverages Purchased;
4. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, October 2, 2020, at approximately 5:30 p.m., Investigators Guarino and Teehar ("Investigators"), conducted an inspection of the business operation of Chansky Market Inc. d/b/a Chansky's Super Market to determine the manner in which its business was being conducted.
2. While outside the licensed premises, Investigators observed a youthful appearing male exit the market in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age. The male immediately stated he was 19 years old.
3. Underage #1, actual date of birth 3/28/2001 (age 19), was in possession of one 30-pack of Miller Lite beer and one 12-pack of White Claw Hard Seltzer.

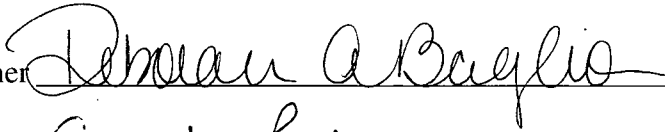
4. Underage #1 informed Investigators he was asked for identification prior to purchasing the alcoholic beverages. He was asked if he did, in fact, produce an identification. He answered in the affirmative and presented to Investigators the valid New Jersey Driver's License of his older brother which he had used when purchasing the alcoholic beverages.
5. The Licensee has since instituted a new policy wherein all patrons are required to produce identification, regardless of age. In addition, they have purchased a new state of the art scanner to aid in evaluating identifications, specifically out of state identifications.
6. The Licensee has held a license under M.G.L. c. 138, § 15 since 2019 with two prior violations, both of which occurred within days of this incident.

CONCLUSION

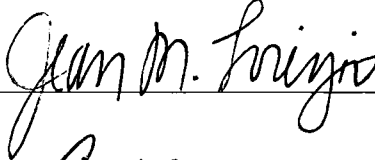
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission **suspends the license for a period of three (3) days which are hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

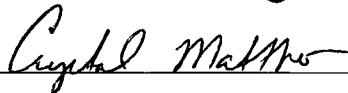
Deborah A. Baglio, Commissioner



Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: December 8, 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
Caroline L. Guarino, Investigator
Michael Teehan, Investigator
Gregory Demakis, Esq.
Administration, File