



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: 9/30/2020
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 M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (3 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Report;
2. ABCC Approval Cover Sheet, Transfer Approved 3/17/2019;
3. Photograph of Fraudulent and Genuine Identifications;
4. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Wednesday, September 30, 2020, at approximately 8:30 p.m., Investigators Velez and Temple ("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 female 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 4/19/2002 (age 18), was in possession of one case of Truly Hard Seltzer and one case of White Claw Hard Seltzer. Underage #1 stated to Investigators that she did not present any identification when purchasing the alcoholic beverages.

4. Investigators spoke to the clerk on duty, Harry Patel, who confirmed he had not requested any identification from Underage #1.
5. Investigators informed Mr. Patel of the violation and that a report would be filed with the Chief Investigator for review. They provided Mr. Patel with a business card and requested he ask the Licensee call Investigators.
6. At approximately 8:45 p.m., Investigators observed another youthful appearing female exit the store in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
7. Underage #2, actual date of birth 9/4/2001 (age 19) was in possession of two bottles of Barefoot wine and one bottle of Yellowtail wine. She informed Investigators she had presented a fraudulent Connecticut driver's license in her name with a different birth date, when purchasing the alcoholic beverages.
8. At approximately 8:52 p.m., Investigators observed a third youthful appearing female exit the store in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
9. Underage #3, actual date of birth 1/24/2002 (age 18) was in possession of one bottle of Barefoot wine. She stated to the Investigators that she had presented a fraudulent Maine driver's license in her name with a different birth date, when she purchased the alcoholic beverage.
10. Peter Patel, Licensee, appeared at the Commission hearing and testified as to steps taken after the Investigator's visit. 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.
11. The Licensee has held a license under M.G.L. c. 138, § 15 since 2019 with no prior violations.

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 (3 counts). Therefore, the Commission **suspends the license for a period of five (5) days which are hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman Jean M. Lorizio

Crystal Matthews, Commissioner Crystal Matthews

Deborah A. Baglio, Commissioner Deborah A. Baglio

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
Christopher Temple, Investigator
Nicholas Velez, Investigator
Gregory Demakis, Esq.
Administration, File