

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

Jean M. Lorizio, Esq.
Chairman

DECISION

**JOHNNY'S QUIK PIK, INC. D/B/A JOHNNY'S MARKET
1758 RIVER ST.
BOSTON, MA 02136
LICENSE#: 01025-PK-0116
VIOLATION DATE: 6/26/2020
HEARD: 10/12/2021**

Johnny's Quik Pik, Inc. d/b/a Johnny's 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 12, 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 (1 count). 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 License Transfer Approval, 1/21/2016;
3. Photocopy of Fraudulent Identification confiscated;
4. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, June 26, 2020, Investigators Guarino, Kenny, and Teehan ("Investigators"), conducted an investigation of the business operation of Johnny's Quik Pik, Inc. d/b/a Johnny's Market to determine the manner in which its business was being conducted.
2. At approximately 6:15 p.m. while outside the licensed premises, Investigators observed a youthful appearing male subject exit the store in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. The youthful looking male, Underage #1, actual date of birth 11/9/2001 (age 18), was in possession of three (3) bottles of Hennessy cognac and one bottle of champagne.

Underage #1 presented to Investigators a fraudulent North Carolina driver's license that he used to purchase the alcoholic beverages.

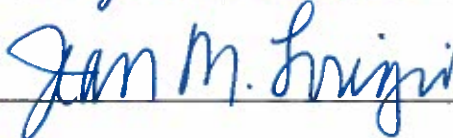
4. Investigators entered the licensed premises and spoke to the clerk on duty, Modesta Gonzalez. Investigators informed Gonzalez of the violation and that a report would be filed with the Chief Investigator for further action.
5. Devyani Patel, Licensee and Manger of Record, appeared at the Commission hearing.
6. The Licensee has held a license under M.G.L. c. 138, § 15 since 2016 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 (1 count). Therefore, the Commission **suspends the license for a period of one (1) day which is hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner 

Jean M. Lorizio, Chairman 

Deborah A. Baglio, Commissioner 

Dated: November 10, 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
Caroline Guarino, Investigator
Mark Kenny, Investigator
S. Craig Herndon, Esq.
Administration, File