



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 16, 2024

**QUALITY MART, INC.
21 MASSACHUSETTS AVENUE
BOSTON, MA 02115
LICENSE # 01957-PK-0116
VIOLATION DATE: 9/08/2023
HEARD: 6/11/2024**

After a hearing on June 11, 2024, the Commission finds Quality Mart, Inc. violated 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 (1 count). The Commission **suspends the license for a period of five (5) days of which three (3) days will be served and two (2) days 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 the Commission.**

The suspension shall commence on Monday, October 28, 2024, and terminate on Wednesday, October 30, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, October 28, 2024, at 9:00 A.M. It will be returned to the licensee on October 31, 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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Dokiman sa a enpòtan epi li ta dwe tradwi touswit

‘Đây là tài liệu quan trọng và cần được dịch ngay’

ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2024-000244-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Katherine McCormick, Associate General Counsel
Nicole Smith, Investigator
Christopher Temple, Investigator
Nicole Terasconi, Investigator
Carolyn Conway, Esq.
Administration, File



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DECISION

**QUALITY MART, INC.
21 MASSACHUSETTS AVENUE
BOSTON, MA 02115
LICENSE # 01957-PK-0116
VIOLATION DATE: 9/08/2023
HEARD: 6/11/2024**

Quality Mart, Inc. ("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, June 11, 2024, regarding an alleged violation 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 (1 count). Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigator Smith's Report.

The following documents are in evidence:

1. Investigator Smith's Report;
2. Photograph of Fraudulent New Jersey Identification;
3. ABCC Form 43, New License Approval, 8/30/2011;
4. ABCC Decision dated 7/20/2017;
5. ABCC Decision dated 7/25/2017;
6. ABCC Decision dated 8/25/2022;
7. Photograph of United State Military Identification;
8. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, September 8, 2023, at approximately 10:10 p.m. Investigators Smith, Temple and Terasconi ("Investigators") inspected Quality Mart, Inc. to determine the way its business was being conducted.
2. Investigators observed two youthful appearing female individuals enter the licensed premises. Investigators exited their vehicles and made observations through the windows of the licensed premises.

3. One of the youthful appearing females approached the counter in possession of alcoholic beverages and the clerk scanned her identification. Investigators observed the scanner turn red indicating the identification was fraudulent and the clerk refused to make the sale.
4. Moments later, the second youthful appearing female approached the counter in possession of alcoholic beverages, presented an identification and completed the purchase.
5. Investigators observed the two youthful appearing females exit the licensed premises in possession of alcoholic beverages. Investigators identified themselves and requested to see proof of legal age to purchase and/or possess alcoholic beverages.
6. Underage #1, actual date of birth 09/07/2003 (age 20), and Underage #2, actual date of birth 09/16/06 (age 18), stated they were not 21 years of age. Underage #1 stated to Investigators she had attempted to purchase alcohol using a fraudulent New Jersey driver's license, but the clerk had scanned it three times and refused to sell to her. Underage #2 stated they went to the back of the line and she carried the alcoholic beverages to the counter. Underage #2 presented her legitimate United States military identification to the clerk and was sold the alcoholic beverages.
7. Investigators confiscated a 750mL bottle of Malibu Rum, a 750mL bottle of Svedka Blue Raspberry Vodka, and a 750mL bottle of Smirnoff Red White and Blue Vodka.
8. Investigators entered the licensed premises and informed the clerk of the violation, and he acknowledged making the sale. The clerk was advised that a report would be submitted to the Chief Investigator for further review.
9. Attorney Carolyn Conway appeared at the Commission hearing on behalf of the Licensee and stated the Licensee has been working diligently to make sure there are no additional violations since this incident including updating the scanners, upgrading the cameras and additional training with the employees. Additionally, the clerk was fired after this incident.
10. The Licensee has held a license under M.G.L. c. 138, § 15 since 2011.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 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 years of age. Therefore, the Commission **suspends the license for a period of five (5) days of which three (3) days will be served and two (2) days 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 the Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner Deborah A. Baglio

I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: September 16, 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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