

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

July 20, 2017

**QUALITY MART INC.
21 MASSACHUSETTS AVE
BOSTON, MA 02201
LICENSE#: 0116-01957
VIOLATION DATE: 03/11/2017
HEARD: 07/18/2017**

After a hearing on July 18, 2017, the Commission finds Quality Mart Inc. violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 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 four (4) days of which two (2) 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 occur.

The suspension shall commence on Wednesday, September 13, 2017 and terminate on Thursday, September 14, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 13, 2017 at 9:00 A.M. It will be returned to the licensee on Friday, September 15, 2017.

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

A handwritten signature in cursive script, reading "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
Christopher Temple, Investigator
Demetrios Kafkas, Esq.
Administration, File



Jean M. Lorizio, Esq.
Chairman

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DECISION

**QUALITY MART INC.
21 MASSACHUSETTS AVE
BOSTON, MA 02201
LICENSE#: 0116-01957
VIOLATION DATE: 03/11/2017
HEARD: 07/18/2017**

Quality Mart Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, July 18, 2017, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Di Cicco's report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee's Stipulation of Facts;
3. Fraudulent Connecticut Driver's License of Underage #1; and
4. Receipt for Alcohol Purchase.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Saturday, March 11, 2017, at approximately 7:40 p.m., Investigators Temple and Di Cicco, ("Investigators") conducted an investigation of the business operation of Quality Mart Inc. determine the manner in which its business was being conducted.
2. Upon entering the licensed premises, Investigators observed a youthful appearing individual in possession of a bottle of Bacardi rum. The individual was standing in the cashier's check out line. Investigator Di Cicco stood behind this youthful appearing individual and observed her present an identification to the cashier and purchase the bottle of Bacardi rum.

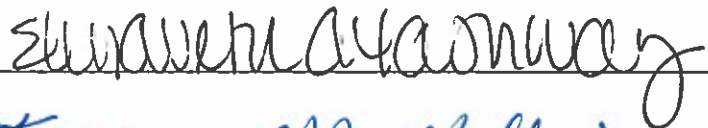
3. Before the youthful appearing female could exit the premises, Investigators requested to see her identification. Underage #1, actual date of birth 1/28/1998 (age 19) was in possession of a bottle of Barcardi rum. She presented Investigators with a fraudulent Connecticut driver's license.
4. Investigators spoke to the cashier who made sale, Aymen Rajeh. Mr. Rajah stated he was the owner. Investigators informed him of the violation and expressed their concern that the store appeared to have other youthful appearing individuals who attempted to purchase alcoholic beverages.
5. Investigators determined it would be best to shift from an enforcement operation to a prevention operation to deter and prevent underage individuals from obtaining alcoholic beverages. Investigators proceeded to conduct a "Cops in Shops" operation as the best approach to deter underage purchase of alcoholic beverages.
6. Investigators informed the Licensee that they would remain on the premises to ensure purchasers of alcoholic beverages were of legal drinking age. Investigators further informed Mr. Rajeh that if a sale of alcoholic beverages were made to an underage person while the "Cops in Shops" operation were in effect, that a violation against the Licensee would not be charged. Mr. Rajeh and his staff agreed to work with Investigators.
7. Investigators spent several hours at the premises and show staff members some ways to help them recognize fraudulent identifications. During the time Investigators were on the premises, they prevented a number of underage individuals from obtaining alcoholic beverages, and they seized numerous fraudulent identifications.
8. Before ending the "Cops in Shops" operation and departing from the licensed premises, Investigators advised the Licensee to be vigilant in identifying underage individuals.
9. Investigators informed Mr. Rajeh of the violation and that a report would be filed with the Chief Investigator for review.

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. c. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Therefore, the Commission **suspends the license for a period of four (4) days of which two (2) 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 occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: July 20, 2017

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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