



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

Jean M. Lorizio, Esq.
Chairman

DECISION

SHREE BRAHMA CORP. D/B/A WINE BASKET & SPIRITS
1441 COMMONWEALTH AVENUE
BOSTON, MA 02135
LICENSE#: 89257-PK-0116
VIOLATION DATE: 9/17/2020 and 9/18/2020
HEARD: 10/26/2021

Shree Brahma Corp. d/b/a Wine Basket & Spirits ("Licensee" or "Wine Basket") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a hearing on Tuesday, October 26, 2021, regarding the 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 years of age (10 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Watson's Report.

The following documents are in evidence:

1. Investigator Watson's Investigative Report;
2. ABCC Application Summary Review, License approval 2/5/2018;
3. Photograph of Fraudulent Identification Confiscated;
4. Licensee's Stipulation of Fact.

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

FINDINGS OF FACT

1. On Thursday September 17, 2020, at approximately 6:45 p.m., Investigators Teehan, Temple, Smith, and Watson ("Investigators") conducted an inspection of Shree Brahma Corp. d/b/a Wine Basket & Spirits ("Licensee" or "Wine Basket") to determine the manner in which its business was being conducted.
2. While outside, Investigators were able to see inside the licensed premises and observed three youthful appearing individuals at the counter purchasing what appeared to be alcoholic beverages.
3. When the youthful appearing individuals exited the licensed premises, Investigators approached, identified themselves and asked to see proof of legal age. The three

individuals were in possession of 8 Buzzballs and one 24 ounce can of Strawberry-rita. They admitted to Investigators they were under the age of 21.

4. Underage #1, actual date of birth 7/2/2002 (age 18), stated she was not asked to present identification when purchasing the alcoholic beverages.
5. Underage #2, actual date of birth 9/1/2001 (age 19), stated she was not asked to present identification when purchasing the alcoholic beverages.
6. Underage #3, actual date of birth 1/23/2002 (age 18), stated that she was not asked to present identification when purchasing the alcoholic beverages.
7. At approximately 7:05 p.m., while outside the licensed premises, Investigators observed two youthful appearing individuals exit the licensed premises in possession of a 12 pack of Coors Light beer, a 6 pack of Twisted Tea and a 6 pack of Stella Artois beer.
8. Investigators approached the two individuals, identified themselves and requested proof of legal age.
9. Underage #4, actual date of birth 12/27/2000 (age 19), stated he presented a fraudulent Alberta Canada Operator License indicating a birth date of 9/9/1997 when purchasing the alcoholic beverages.
10. Underage #5, actual date of birth 11/9/2000 (age 19), stated that he was not asked to present any identification when purchasing the alcoholic beverages.
11. At approximately 7:05 p.m. while outside the licensed premises, Investigators observed a youthful appearing male exit the licensed premises with a 6 pack of Lagunitas beer.
12. Investigators approached the youthful appearing male, identified themselves and requested proof of legal age.
13. Underage #6, actual date of birth 12/11/2002 (age 17), admitted he was under 21 years of age.
14. At approximately 7:15 p.m. while outside the licensed premises Investigators observed two youthful appearing individuals exit the licensed premises with an 18 pack of Bud Light beer and five bottles of wine.
15. Underage #7, actual date of birth 7/9/2001 (age 19), stated he was not asked to present identification when purchasing the alcoholic beverages.
16. Underage #8, actual date of birth 5/15/2000 (age 20), stated he was not asked to present identification when purchasing the alcoholic beverages.
17. On Friday, September 18, 2020, Investigators Bolcome, Quinn, Teehan, Temple, Velez and Watson continued their investigation of the business operation of Wine Basket & Spirits.

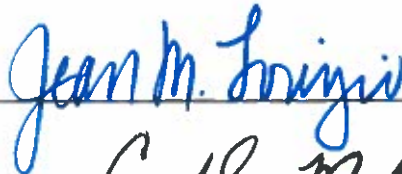
18. At approximately 4:25 p.m. while outside the licensed premises, Investigators observed two youthful appearing individuals exit the licensed premises in possession of two bottles of Svedka Vodka.
19. Investigators approached the individuals, identified themselves and requested proof of legal age. They admitted they were not of legal age to possess alcoholic beverages.
20. Underage #9, actual date of birth 5/31/2002 (age 18), stated she was not asked to present identification when purchasing the alcoholic beverages.
21. Underage #10, actual date of birth 7/3/2002 (age 18), stated she was not asked to present identification when purchasing the alcoholic beverages.
22. Investigators informed the clerk on duty of the violation and advised him that a report would be submitted to the Chief Investigator for further action.
23. Indravadan Patel, Licensee and Manager of Record, appeared at the Commission hearing. The Commission was informed that Mr. Patel and his wife usually cover all working hours at the licensed premises but just prior to the Investigators' visit, Mr. Patel had been exposed to COVID-19. As a result, both Mr. and Mrs. Patel quarantined and entrusted a relative to operate the licensed premises. The relative was relieved of his duties as soon as Mr. and Mrs. Patel were able to return to work.
24. The Licensee has instituted a policy wherein all patrons are required to produce identification prior to purchasing alcoholic beverages.

CONCLUSION

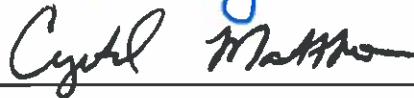
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (10 Counts). Therefore, the Commission **suspends the license for a period of 12 days of which 10 days are hereby deemed served and two (2) days will be held in abeyance for a period of two years provided no further violations of Chapter 138 or Commission regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

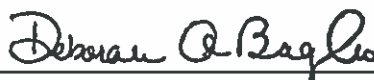
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: March 3, 2022

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
David Bolcome, Investigator
Katelyn Quinn, Investigator
Nicole Smith, Investigator
Michael Teehan, Investigator
Christopher Temple, Investigator
Nicholas Velez, Investigator
Lisa Watson, Investigator
Gregory Demakis, Esq.
Administration, File