



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

August 22, 2022

**NEW MISSION HILL MARKET, INC. D/B/A FUENTES MARKET & LIQUOR
678 PARKER STREET
BOSTON, MA 02120
LICENSE#: 01020-PK-0116
VIOLATION DATE: 3/31/2022
HEARD: 6/28/2022**

After a hearing on June 28, 2022, the Commission finds New Mission Hill Market, Inc. d/b/a Fuentes Market & Liquor violated M.G.L. c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (2 counts). The Commission **suspends the license for a period of three (3) days to be served.**

The suspension shall commence on Monday, October 17, 2022, and terminate on Wednesday, October 19, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, October 17, 2022, at 9:00 A.M. It will be returned to the licensee on October 20, 2022.

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.

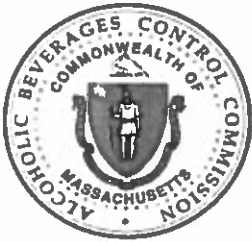
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
John David, Investigator
Brian Gould, Investigator
Sean Fleming, Investigator
Christopher Temple, Investigator
Administration, File



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DECISION

**NEW MISSION HILL MARKET, INC. D/B/A FUENTES MARKET & LIQUOR
678 PARKER STREET
BOSTON, MA 02120
LICENSE#: 01020-PK-0116
VIOLATION DATE: 3/31/2022
HEARD: 6/28/2022**

New Mission Hill Market, Inc. d/b/a Fuentes Market & Liquor ("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 28, 2022, 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 (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator David's Report.

The following documents are in evidence:

1. Investigator David's Investigative Report;
2. ABCC Form 43 License Transfer Approved, 6/3/2016;
3. Photograph of Fraudulent Identifications Confiscated;
4. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, March 31, 2022, at approximately 7:30 p.m., Investigators Gould, Fleming, Temple, and David ("Investigators"), were conducting surveillance of New Mission Hill Market, Inc. d/b/a Fuentes Market & Liquor to determine the manner in which its business was being conducted.
2. Investigators observed four youthful appearing individuals in a white Honda Civic vehicle parked in front of the licensed premises. Two male individuals exited the vehicle and entered the establishment. Shortly thereafter, Investigators observed the same individuals

exit the store each in possession of a 30-pack of Miller Lite beer. Investigators identified themselves and asked to see proof of legal age.

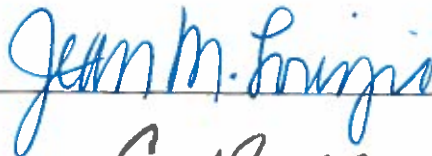
3. Underage #1, actual date of birth 2/9/2003 (age 19), presented to Investigators a fraudulent Massachusetts driver's license in his own name with a different birth date. He stated that he was not asked for identification when he purchased the beer.
4. Underage #2, actual date of birth 8/16/2002 (age 19), stated to Investigators that he was not asked for identification when he purchased the beer.
5. Investigators entered the licensed premises with Underage #1 and #2 who identified the clerk from whom they purchased the alcoholic beverages.
6. The clerk on duty, Thomas Forty, disputed the fact that he sold the alcohol to the minors without requesting identification and adamantly stated to Investigators that he checks all identification.
7. Investigators informed Mr. Forty of the violation and that a report would be filed with the Chief Investigator for further action.
8. Tapan Patel, General Manager at Fuentes Market, appeared at the Commission hearing. He testified as to steps taken since the Investigators' visit to prevent minors from obtaining alcohol. The Licensee invested in a new state-of-the-art scanner, retrained all staff members, and has begun requesting identification from all members of a party. He stated this practice has caused groups of customers to leave the store without attempting to purchase any alcoholic beverages. Mr. Patel testified that if one person within a party is under the age of twenty-one, alcohol will not be sold to any member of the group. Mr. Patel further testified that employees have confiscated approximately 80 to 100 fraudulent identifications and have refused many sales.
9. The Licensee has held a license under M.G.L. c. 138, § 15 since 2016 with one prior violation.

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 (2 counts). Therefore, the Commission **suspends the license for a period of 3 days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: August 22, 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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