

*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 25, 2022

**QUALITY MART INC. D/B/A QUALITY MART
21 MASSACHUSETTS AVENUE
BOSTON, MA 02115
LICENSE#: 01957-PK-0116
VIOLATION DATE: 5/06/2022
HEARD: 6/14/2022**

After a hearing on June 14, 2022, the Commission finds Quality Mart Inc. d/b/a Quality Mart violated M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (8 Counts). The Commission **suspends the license for a period of nine (9) days to be served.**

The suspension shall commence on Monday, October 17, 2022, and terminate on Tuesday, October 25, 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 26, 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.

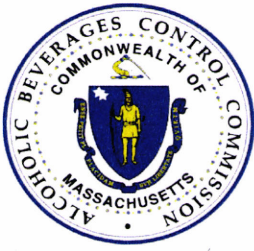
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

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
Michael Teehan, Investigator
Carolyn Conway, Esq.
Administration, File



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DECISION

QUALITY MART INC. D/B/A QUALITY MART
21 MASSACHUSETTS AVENUE
BOSTON, MA 02115
LICENSE#: 01957-PK-0116
VIOLATION DATE: 5/06/2022
HEARD: 6/14/2022

Quality Mart Inc. d/b/a Quality Mart ("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 14, 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 (8 Counts). Prior to the commencement of the hearing the Licensee stipulated to facts alleged in Investigator David's report.

The following documents are in evidence:

1. Investigator David's Report;
2. ABCC Form 43, License Transfer Approval, 8/30/2011;
3. Photographs of Fraudulent Identifications Confiscated;
4. ABCC Decision, 7/20/2017;
5. ABCC Decision, 7/25/2017;
6. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday May 6, 2022, at approximately 8:00 p.m., Investigators Gould, Teehan, and David ("Investigators") conducted an inspection of Quality Mart Inc. d/b/a Quality Mart ("Licensee" or "Quality Mart") to determine the manner in which its business was being conducted.
2. Investigators observed a youthful appearing male individual enter the licensed premises and exit the establishment carrying one case of White Claw Hard Seltzer and one case of Truly Hard Seltzer. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 5/17/2003 (age 18), stated that he was not asked for any identification when he purchased the alcoholic beverages. He presented to Investigators a

fraudulent Rhode Island driver's license, which Investigators confiscated along with the alcoholic beverages.

4. At approximately 8:05 p.m., Investigators observed a youthful appearing female individual enter the licensed premises and exit the establishment carrying one Box O'Wine. Investigators identified themselves and asked to see proof of legal age.
5. Underage #2, actual date of birth 3/18/2003 (age 19) stated that she was not asked for any identification when she purchased the alcoholic beverage. She presented to Investigators a fraudulent New Jersey driver's license, which Investigators confiscated along with the alcoholic beverage.
6. At approximately 8:20 p.m., Investigators observed a youthful appearing male individual enter the licensed premises and exit the establishment carrying two cases of Guinness beer. Investigators identified themselves and asked to see proof of legal age.
7. Underage #3, actual date of birth 5/30/2002 (age 19) stated that he was not asked for any identification when he purchased the alcoholic beverages. Underage #3 stated he was not an American citizen and refused to provide any identification to Investigators. Investigators confiscated the beer.
8. At approximately 8:30 p.m., Investigators observed a youthful appearing male individual enter the premises and exit carrying a bag which contained one 1.75-liter bottle of Absolut vodka. Investigators identified themselves and asked to see proof of legal age.
9. Underage #4, actual date of birth 4/09/2003 (age 19) stated that he was not asked for any identification when he purchased the alcoholic beverage. Investigators confiscated the vodka.
10. At approximately 8:40 p.m., Investigators observed a youthful appearing female individual enter the licensed premises and exit the establishment carrying a bag which contained a bottle of Barefoot wine. Investigators identified themselves and asked to see proof of legal age.
11. Underage #5, actual date of birth 5/16/2003 (age 18) stated that she was not asked for any identification when she purchased the alcoholic beverage. She presented to Investigators a fraudulent Connecticut driver's license, which Investigators confiscated along with the wine.
12. At approximately 9:22 p.m., Investigators observed a youthful appearing male individual enter the licensed premises and exit the premises carrying a bag which contained one 1.75-liter bottle of Captain Morgan Spiced Rum. Investigators identified themselves and asked to see proof of legal age.
13. Underage #6 actual date of birth 4/23/2002 (age 19) stated that he was not asked for any identification when he purchased the alcoholic beverages. He presented to Investigators a fraudulent Texas driver's license, which Investigators confiscated along with the rum.

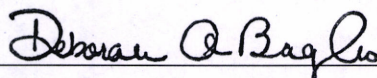
14. At approximately 9:30 p.m., Investigators observed a youthful appearing female individual enter the licensed premises and exit the establishment carrying a bag which contained one 750-milliliter bottle of New Amsterdam Pink Whitney vodka. Investigators identified themselves and asked to see proof of legal age.
15. Underage #7, actual date of birth 12/24/2003 (age 18) stated that she was not asked for any identification when she purchased the alcoholic beverage. She presented to Investigators a fraudulent Connecticut driver's license, which Investigators confiscated along with the vodka.
16. At approximately 9:50 p.m., Investigators observed a youthful appearing male individual enter the licensed premises and exit the establishment carrying a bag which contained one case of White Claw Hard Seltzer and one 75-milliliter bottle of Jose Cuervo tequila. Investigators identified themselves and asked to see proof of legal age.
17. Underage #8, actual date of birth 11/07/2002 (age 19) stated that he was not asked for any identification when he purchased the alcoholic beverages. He presented to Investigators a fraudulent California driver's license which Investigators confiscated along with the alcoholic beverages.
18. At approximately 10:00 p.m., Investigators entered the licensed premises and spoke to the clerk on duty. Investigators informed the clerk of the violations and that a report would be submitted to the Chief Investigator for further review.
19. Mr. Aymen Rajeh, the Licensee and Manager of Record, appeared at the Commission hearing. Mr. Rajeh testified he utilizes an ID Science scanner along with a point-of-sale system which does not allow a sale without an employee inputting an age. The clerk on duty was a student working his last shift. Mr. Rajeh would have also been present, but he had Covid. Days after the incident, the former clerk informed Mr. Rajeh of the violation and admitted he had overridden the point-of-sale system in order to sell alcoholic beverages to his friends. Mr. Rajeh testified that his is a neighborhood store which has been in business for thirty years. He added the clerk's actions went against all policies the store already had in place. Mr. Rajeh has retrained all of his employees and continues to reiterate store policies.
20. The Licensee has held a license under M.G.L. c. 138, § 15 since 2011.

CONCLUSION

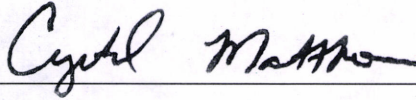
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (8 Counts). Therefore, the Commission **suspends the license for a period of 9 days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah Baglio, Commissioner

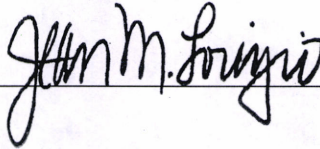


Crystal Matthews, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Jean M. Lorizio, Chairman



Dated: August 25, 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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2022-000063-ad-enf

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