



*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

**TIPSY'S BEER & WINE INC. D/B/A FIGUEROA'S
739 PARKER STREET
BOSTON, MA 02120
LICENSE#: 89326-PK-0116
VIOLATION DATE: 3/24/2022
HEARD: 7/12/2022**

After a hearing on July 12, 2022, the Commission finds Topsy's Beer & Wine Inc. d/b/a Figueroa's violated M.G.L. c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). The Commission **suspends the license for a period of one (1) day to be served.**

The suspension shall be served on Monday, October 17, 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 18, 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.

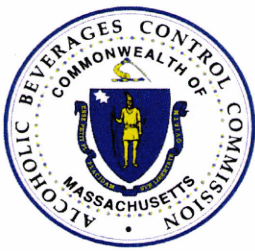
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
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
Nicole Terasconi, Investigator
Nicole Smith, Investigator
Christopher Temple, Investigator
Stephen V. Miller, Esq.
Administration, File



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DECISION

TIPSY'S BEER & WINE INC. D/B/A FIGUEROA'S
739 PARKER STREET
BOSTON, MA 02120
LICENSE#: 89326-PK-0116
VIOLATION DATE: 3/24/2022
HEARD: 7/12/2022

Tipsy's Beer & Wine Inc. d/b/a Figueroa's ("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, July 12, 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. (1 Count) Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Terasconi's Report.

The following documents are in evidence:

1. Investigator Terasconi's Investigative Report;
2. ABCC Form 43, License Transfer Approval, 4/14/2016;
3. ABCC Application Summary, Late Renewal Approved, 5/29/2018;
4. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, March 24, 2022, at approximately 5:35 p.m., Investigators Smith, Temple, and Terasconi ("Investigators"), conducted an inspection of Tipsy's Beer & Wine Inc. d/b/a Figueroa's to determine the manner in which its business was being conducted.
2. Investigators observed two youthful appearing female individuals exit a motor vehicle and enter the licensed premises. Investigators then observed the same individuals exit the store in possession of alcoholic beverages: one 12-pack Angry Orchard Hard Cider.
3. Investigators approached the vehicle, identified themselves and asked to see proof of legal age.
4. Underage #1, actual date of birth 6/14/2005 (age 16), did not have any identification. Underage #1 stated she purchased the alcoholic beverages with cash and was not asked for identification. Investigators notified the father of Underage #1 of the incident.

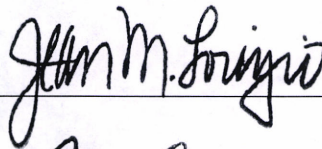
5. Investigators entered the licensed premises and spoke to the clerk on duty, Mihir Patel. Mr. Patel admitted he sold the alcoholic beverages to Underage #1 and confirmed that he had not requested any identification from the underage individual.
6. Investigators informed Mr. Patel of the violation and that a report would be filed with the Chief Investigator for further action.
7. Sushila Patel, Manager of Record and beneficial interest holder in the Licensee entity, appeared at the Commission hearing along with Drew Patel. The Commission was informed of steps taken to prevent underage individuals from obtaining alcoholic beverages in the future. After conferring with Boston Police, the Licensee purchased a new state-of-the-art scanner which is tied into their point-of-sale system. Every individual is required to produce identification and the identification is scanned. The clerk who made the sale to Underage #1 is no longer employed by the Licensee. All employees have been retrained and certified through TIPS training.
8. The Licensee has held a license under M.G.L. c. 138, § 15 since 2016 with no prior violations.

CONCLUSION

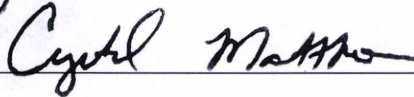
Based on the evidence, the Commission finds the Licensee M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission **suspends the license for a period of one (1) day.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

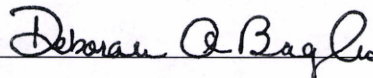
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



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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2022-000042-ad-enf

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