

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: 3/25/2022
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 two (2) days.**

The suspension shall commence on Monday, October 24, 2022, and terminate on October 25, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, October 24, 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.

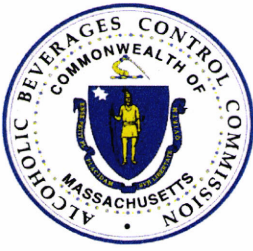
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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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
Melissa Anderson, 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: 3/25/2022
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 Anderson's Report.

The following documents are in evidence:

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

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

FINDINGS OF FACT

1. On Friday, March 25, 2022, at approximately 5:35 p.m., Investigators Smith, Temple, and Anderson ("Investigators"), inspected 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 individuals exit the licensed premises in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 9/14/2002 (age 19), presented to Investigators a fraudulent Rhode Island driver's license in another person's name and stated he had used said fraudulent identification when purchasing the alcoholic beverages. Underage #1 was in possession of one 18-pack of Michelob Ultra beer.

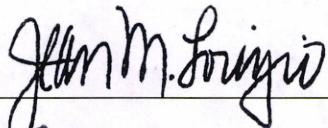
4. Investigators informed the clerk on duty, Mihir Patel of the violation and that a report would be filed with the Chief Investigator for further action.
5. Sushila Patel, Manager of Record and beneficial interest holder in the Licensee entity, appeared at the Commission hearing along with Drew Patel. 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
6. The Licensee has held a license under M.G.L. c. 138, § 15 since 2016 with a prior violation of M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age which occurred just one day prior to this incident.

CONCLUSION

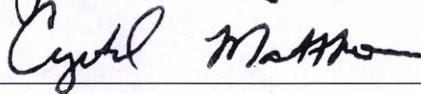
Based on the evidence, the Commission finds the Licensee M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission **suspends the license for a period of two (2) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

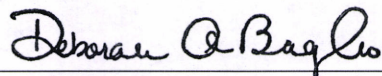
Jean M. Lorizio, Chairman



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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