

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

March 16, 2018

**CHEERS LIQUORS INC. D/B/A CHEERS LIQUORS
1254 BELMONT STREET
BROCKTON, MA 02301
LICENSE#: 0144-00104
VIOLATION DATE: 10/12/2017
HEARD: 03/06/2018**

After a hearing on March 6, 2018, the Commission finds Cheers Liquors Inc. d/b/a Cheers Liquors violated of M.G.L. c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count).

Therefore, the Commission **suspends the license for five (5) days of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

The suspension shall commence on Wednesday, May 2, 2018 and terminate on Thursday, May 3, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 3, 2018 at 9:00 A.M. It will be returned to the Licensee on May 4, 2018.

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

A handwritten signature in cursive script, reading "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack Carey, Investigator
Caroline Guarino-Wilichoski, Investigator
Scott Rubin, Esq. via facsimile 508-588-2667
Administration, File



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DECISION

**CHEERS LIQUORS INC. D/B/A CHEERS LIQUORS
1254 BELMONT STREET
BROCKTON, MA 02301
LICENSE#: 0144-00104
VIOLATION DATE: 10/12/2017
HEARD: 03/06/2018**

Cheers Liquors Inc. d/b/a Cheers Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, January 30, 2018, regarding an alleged violation of M.G.L. c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Carey's report.

The following documents are in evidence:

1. Investigator Carey's Investigative Report;
 2. Licensee's Stipulation of Facts; and
 3. Fraudulent Driver's License.
-
- A. Licensee's Alcohol Intervention Methods;
 - B. eTIPS Training Certificate for C. Patel; and
 - C. Scanner Print-out.

There is one (1) audio recording of this hearing, and two (2) witnesses testified.

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Thursday, October 12, 2017, at approximately 7:02 p.m., Investigators Wilichoski and Carey ("Investigators") conducted an investigation of the business operation of Cheers Liquors Inc. d/b/a Cheers Liquors to determine the manner in which its business was being conducted.

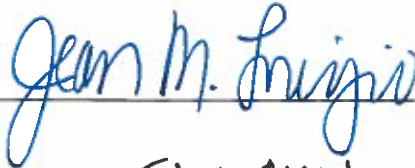
2. Investigators conducted surveillance outside the premises and observed a pick-up truck, with two youthful appearing males, enter the parking lot of the licensed premises.
3. Investigators observed the passenger exit the vehicle and enter the store, and then exit the premises in possession of alcoholic beverages, a 15-pack of Keystone Light beer, and a 12-pack of Bud Light beer.
4. Investigators approached the vehicle, identified themselves, and asked for proof of legal age.
5. Underage #1, actual date of birth 10/22/1998 (age 18), was the passenger who had purchased the alcoholic beverages. He presented Investigators with a fraudulent Maine driver's license.
6. Underage #2, actual date of birth 8/27/1999 (age 17), was the driver of the vehicle. He presented Investigators with a fraudulent Maine driver's license.
7. Underage #1 stated that he was not asked for identification when he purchased the alcohol. Investigators brought the underage into the store and identified him to the clerk on duty, Chiragkumar Patel.
8. Mr. Patel stated to Investigators that he had not asked the underage for identification as he had served him on a prior occasion and had checked the underage's identification at that time.
9. Investigators informed Mr. Patel of the violations and that a report would be filed with the Chief Investigator for further review.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Therefore, the Commission **suspends the license for five (5) days of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Dated: March 16, 2018

Dated: March 8, 2018

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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