

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

November 24, 2014

NORTHEAST PACKAGE STORE LLC DBA GPS WINE & SPIRITS
1198 BOYLSTON STREET
BROOKLINE, MA 02446
LICENSE#: 014800125
VIOLATION DATE: 11/08/2013
HEARD: 01/14/2014

After a hearing on January 14, 2014, the Commission find Northeast Package Store LLC dba GPS Wine & Spirits in 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 (7 Counts).

The Commission suspends the licensee's license for a total of twenty (20) days to be served. The suspension shall commence on Wednesday, January 14, 2015, and terminate on Monday, February 2, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 14, 2015 at 9:00 A.M. It will be returned to the licensee Tuesday, February 3, 2015. No offer in compromise will be considered for one (1) of the twenty (20) day suspension for this penalty.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

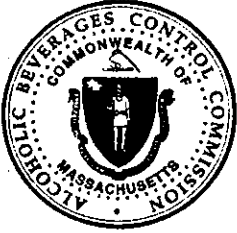
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Tara Kelleher, Investigator
Michael Teehan, Investigator
John Connell, Esq. via facsimile 617-227-3222
Administration
File

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The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

NORTHEAST PACKAGE STORE LLC DBA GPS WINE & SPIRITS
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BROOKLINE, MA 02446
LICENSE#: 014800125
VIOLATION DATE: 11/08/2013
HEARD: 01/14/2014

Northeast Package Store LLC dba GPS Wine & Spirits (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 14, 2014, 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 (9 Counts). Prior to the commencement of the hearing, the licensee stipulated to 5 out of the 9 counts of the violation alleged in Investigator Kelleher's Report.

The following documents are in evidence:

1. MA Driver's License D. Goode;
 2. NJ Driver's License L. Smith;
 3. MD Driver's License E. Lavoie;
 4. RI Driver's License J. Walker;
 5. NY Driver's License C. Vedovino;
 6. RI Driver's License S. Lawson;
 7. CT Driver's License M. Maraia;
 8. CT Driver's License D. Decca;
 9. CT Driver's License C. Dello Iacono; and
 10. Investigator Kelleher's Investigative Report dated November 8, 2013.
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- A. Three Letters from Brookline Police Department;
 - B. Receipt for ID Scanner Subscription;
 - C. Licensee's Enrollment, dated January 10, 2014, in Responsible Retailing Forum;
 - D. TIPS Certificate of Completion for N. Young;
 - E. Receipt #0020303 dated November 8, 2013;
 - F. Receipt #0020304 dated November 8, 2013;
 - G. Receipt #0020300 and #0020301 both dated November 8, 2013;
 - H. Receipt #0020315 dated November 8, 2013;
 - I. Receipt #0020323 and #0020324 both dated November 8, 2013;
 - J. Receipt #0020326 and #0020327 both dated November 8, 2013; and
 - K. Google Satellite Photo of Licensed Premises.

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

FACTS

1. On Friday, November 8, 2013, at approximately 8:00 p.m., Investigators Teehan and Kelleher conducted an investigation of the business operation of Northeast Package Store LLC dba GPS Wine & Spirits to determine the manner in which its business was being conducted.
2. During the course of the night, while in an undercover capacity, the investigators viewed five separate groups of individuals leave the licensed premises with alcoholic beverages in their possession.
3. The first group of individuals that the investigators observed was in a motor vehicle, containing four youthful looking male individuals. The car pulled into the parking lot. Investigators observed the four males exit the vehicle and enter the licensed premises.
4. Moments later, investigators observed the four males return to their vehicle with alcoholic beverages in their possession. Investigators approached the individuals and requested identification for proof of age.
5. Brian Coakley, actual date of birth [REDACTED] (age 20) provided investigators with a false identification in the name of Daniel Goode, date of birth [REDACTED] (age 21). Mr. Coakley was in possession of two 40-ounce bottles of Keystone Ice beer, one 40-ounce bottle of Coors Light beer and one 40-ounce bottle of Miller Light beer.
6. Carmen Dello Iacono, actual date of birth [REDACTED] (age 20) provided investigators with a false Connecticut identification. Mr. Dello Iacono was in possession of one 1.75-liter bottle of Smirnoff Vodka, two 1.75-liter bottles of Jim Beam whiskey, and three 1.75-liter bottles of Fireball whiskey.
7. Robert Chester, actual date of birth [REDACTED] (age 19). Mr. Chester stated that he did not have a false identification on his person and that the clerk did not request identification from him. Mr. Chester was in possession of one 750 ml bottle of Kettle One vodka, one 750-ml bottle of Sailor Jerry rum, one 1.75-liter bottle of Smirnoff vodka, and one 7.5-ounce can of Four Loco.
8. Liam Smith, actual date of birth [REDACTED] (age 18). Mr. Smith was in possession of two 40-ounce bottles of Colt 45 beer, one 40-ounce bottle of Old English beer, one 40-ounce bottle of Steel Reserve beer, one 750-ml bottle of Ciroc Peach vodka, and one 7.5-ounce can of Four Loco.
9. Investigators confiscated the alcoholic beverages as evidence.
10. The Licensee provided three separate sales slips detailing the alcoholic beverages outlined above. As a result, the Commission finds that three sales were made to Brian Coakely, Carmen Dello Iacono, and Liam Smith, all underage individuals. The investigators observed the second group of individual at approximately 8:30 p.m. A Veteran's Taxicab pulled into the parking lot and two male individuals exited the taxi and entered the liquor store.
11. Minutes later investigators observed the two male individuals exit the premises with alcoholic beverages in their possession. Investigators approached the individuals and requested identification for proof of age.
12. Both parties initially hesitated and then responded, "We aren't 21." They then provided investigators with their true identities as well as the fraudulent identifications which they used to conduct their transaction.
13. Eric Lavoie, actual date of birth [REDACTED] (age 18) provided investigators with a false Maryland license identification. Mr. Lavoie was in possession of one 30-pack Natural Ice beer cans, and one 1.75-liter bottle of Rubinoff Blue Raspberry vodka.

14. John Walker, actual date of birth [REDACTED], (age 18) provided investigators with a false Rhode Island license identification. Mr. Walker was in possession of two 40-ounce bottles of Miller High Life beer.
15. The Licensee provided one sales slip, which accounted for some of the alcoholic beverages in the possession of both individuals. It did not account for the Rubinoff Blue Raspberry Vodka. As a result, the Commission finds that the Licensee made sales of alcoholic beverages to both Mr. Lavoie and Mr. Walker both who are underage individuals. Investigators confiscated the alcoholic beverages as evidence.
16. The third group of individuals arrived at the licensed premises at approximately 9:25 p.m. The investigators observed a motor vehicle with a NY license plate, containing six youthful looking individuals, pull into the parking lot. They observed one female individual exit the vehicle and enter the liquor store.
17. Minutes later investigators observed the same individual exit the premises carrying two brown bags. As she entered the motor vehicle, the other passengers began to shout in celebration.
18. Investigators approached the female individual and asked what was inside the paper bags. She responded, "Champagne."
19. Investigators then requested identification for proof of age. She stated, "I am not 21" and that she "used a fake i.d." to conduct her purchase at the licensed premises.
20. Catherine Vedovino, actual date of birth [REDACTED] (age 19) was in possession of four 750-ml bottles of Andre Strawberry Moscato and one 50-ml bottle of Bacardi Dragonberry rum.
21. Investigators asked the remaining five individuals in the vehicle for proof of age. All were underage but none had entered the liquor store.
22. The Commission finds that the Licensee sold alcoholic beverages to Catherine Vedovino who is an underage individual.
23. The investigators confiscated the alcoholic beverages as evidence.
24. The fourth group of individuals arrived at approximately 9:50 p.m. The investigators observed a motor vehicle with a MA license plate, containing three youthful looking individuals, pull into the parking lot. The investigators observed two individuals exit the vehicle and enter the liquor store.
25. Minutes later investigators observed the individuals exit the premises. The female was in possession of a case of Coors Light beer and a bottle of Captain Morgan's spiced rum. The male was in possession of a case of Budweiser Light beer. All of the alcoholic beverages were placed in the trunk of the motor vehicle.
26. Investigators approached the individuals and requested identification for proof of age.
27. Samantha Lawson, actual date of birth [REDACTED] (age 20) had a false Rhode Island license identification.
28. Patrick McQuaid, actual date of birth [REDACTED] (age 21).
29. The driver of the motor vehicle, whose actual date of birth was [REDACTED] (age 20), did not enter the liquor store.
30. Ms. Lawson admitted to purchasing the alcoholic beverages from the Licensee, as a result, the Commission finds that the Licensee sold alcoholic beverages to Ms. Lawson, who is an underage individual. The investigators confiscated the alcoholic beverages as evidence.

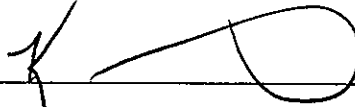
31. The investigators observed the fifth group of individuals in a motor vehicle parked on Route 9 in front of the liquor store. The motor vehicle contained three youthful looking individuals. Investigators observed that the passengers were in possession of two 30-packs Keystone Light beer.
32. Investigators approached the individuals and requested identification for proof of age.
33. Matthew Maraia, actual date of birth [REDACTED] (age 18) had a false Connecticut license.
34. Daniel Decca, actual date of birth [REDACTED] (age 18) had a false Connecticut license.
35. The driver of the motor vehicle, whose actual date of birth [REDACTED] (age 19), did not enter the liquor store.
36. Investigators confiscated the following alcoholic beverages as evidence: two 30-pack Keystone Light beer, one 30-pack Pabst Blue Ribbon beer, two bottles Rubinoff vodka, one bottle Fireball Cinnamon whiskey.
37. As the investigators did not see the individuals enter the store and then exit with alcoholic beverages, the Commission finds that there is no evidence of a sale to a minor.
38. The investigators confiscated the alcoholic beverages as evidence.
39. Investigators entered the licensed premises and identified themselves to Nicholas Young, the owner and licensed manager. They advised Mr. Young of their findings and of acceptable forms of identification which may be reasonably relied on under M.G.L. c. 38, §34b.
40. Investigators informed Mr. Young of the violations and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

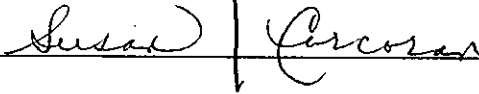
Based on the evidence, the Commission finds that Northeast Package Store LLC dba GPS Wine & Spirits violated M.G.L. c. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. The Commission finds the licensee in violation on seven out of a total of nine counts. Therefore, the Commission **suspends the license for thirty-five (35) days of which twenty (20) days will be served and fifteen (15) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. No offer in compromise will be considered for one (1) of the twenty (20) days suspension for this penalty.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Dated: November 24, 2014

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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Tara Kelleher, Investigator
Michael Teehan, Investigator
John Connell, Esq. via facsimile 617-227-3222
Administration
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