



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

DECISION

**BROOKLINE MARKET, INC.
D/B/A KURKMAN'S MARKET
227 CYPRESS STREET
BROOKLINE, MA 02445
LICENSE#: 00066-PK-0148
VIOLATION DATE: 5/23/2023
HEARD: 11/14/2023**

Brookline Market Inc. d/b/a Kurkman's Market ("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, November 14, 2023, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigators Watson and Teehan's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Watson and Teehan's Minimum Purchase Age Compliance Check Field Report, 5/23/2023;
2. ABCC Form 43, Transfer of License Approved, 11/4/2002;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Tuesday, May 23, 2023, at approximately 7:25 p.m., Investigators Watson and Teehan ("Investigators") conducted a compliance check at Brookline Market Inc. d/b/a Kurkman's Market.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one Corona beer, for one dollar and ninety-nine cents (\$1.99). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 15 since 2002.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. As a result, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner Deborah A. Baglio

Crystal Matthews, Commissioner Crystal Matthews

I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean Lorizio, Chairman Jean M. Lorizio

Dated: January 24, 2024

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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2023-000125-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
Administration, File