

Jean M. Lorizio, Esq.
Chairman

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

January 10, 2018

**SHREE GANESHAY CORP. D/B/A GIMBEL'S LIQUORS
1637 BEACON ST.
BROOKLINE, MA 02445
LICENSE#: 89096-PK-0148
VIOLATION DATE: 10/06/2017
HEARD: 1/09/2018**

After a hearing on January 9, 2018, the Commission finds Shree Ganeshay Corp. d/b/a Gimbel's 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 (4 counts).

Therefore, the Commission **suspends the license for eighteen (18) days of which eight (8) days will be served and ten (10) 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, February 28, 2018 and terminate on Wednesday, March 7, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 28, 2018 at 9:00 A.M. It will be returned to the Licensee on March 8, 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.

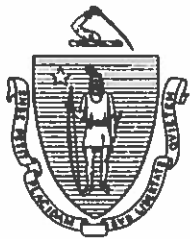
ALCOHOLIC BEVERAGES CONTROL COMMISSION

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
Nicholas Velez, Investigator
Jan Kujawski, Investigator
Lisa Lordan, Investigator
Dennis Keefe, Investigator
Gregory Demarkis, Esq. via facsimile 781-592-4900
Administration, File



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DECISION

**SHREE GANESHAY CORP. D/B/A GIMBEL'S LIQUORS
1637 BEACON ST.
BROOKLINE, MA 02445
LICENSE#: 89096-PK-0148
VIOLATION DATE: 10/06/2017
HEARD: 1/09/2018**

Shree Ganeshay Corp. d/b/a Gimbel's 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 9, 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 (4 counts). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Velez's report.

The following documents are in evidence:

1. Investigator Velez's Amended Investigative Report;
 2. Licensee's Stipulation of Facts; and
 3. Fraudulent Driver's Licenses.
-
- A. Invoice for Licensee's Advanced Scanner Identification machine;
 - B. TIPS Certifications for Employees; and
 - C. Photos of Signage in Store.

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

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

FINDINGS OF FACT

1. On Friday, October 6, 2017, at approximately 5:10 p.m., Investigators Kujawski and Velez, with assistance from Investigators Lordan and Keefe ("Investigators") conducted an investigation of the business operation of Shree Ganeshay Corp. d/b/a Gimbel's Liquors to determine the manner in which its business was being conducted.

2. While outside of the licensed premises, Investigators observed two youthful appearing male individuals exit the premises carrying plastic bags which they then placed inside backpacks.
3. Investigators approached the youthful appearing male individuals, identified themselves, and asked for proof of legal age.
4. Underage #1, actual date of birth 10/29/1998 (age 18) was in possession of one liter of Rubinoff vodka and one liter of Jose Cuervo tequila. He presented Investigators with a fake Texas driver's license.
5. Underage #2, actual date of birth 7/12/1999 (age 18) was in possession of one liter of Jack Daniels whiskey and one liter of Malibu rum. He presented Investigators with a fake Pennsylvania driver's license.
6. At approximately 5:25 p.m., Investigators observed two additional youthful looking male individuals exit the premises carrying plastic bags. Investigators identified themselves and asked to see proof of legal drinking age.
7. Underage #3, actual date of birth 7/2/1998 (age 19) was in possession of a 1.75 liter of Rubinoff Raspberry vodka. He presented Investigators with a fake Illinois driver's license.
8. Underage #4, actual date of birth 1/9/1998 (age 19) was in possession of one 1.75 liter of Rubinoff Watermelon vodka and one 1.75 liter of Rubinoff Raspberry vodka. He presented Investigators with a fake Rhode Island driver's license.
9. Investigators entered the licensed premises and spoke to the manager on duty, Nipun Patel. Investigators informed Mr. Patel of the above violations and that a report would be filed with the Chief Investigator for further action.

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 (4 counts). Therefore, the Commission **suspends the license for eighteen (18) days of which eight (8) days will be served and ten (10) 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

Jean M. Lorizio

Elizabeth A. Lashway, Commissioner

Elizabeth A. Lashway

Kathleen McNally, Commissioner

Kathleen McNally

Dated: January 10, 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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