

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**SHREE GANESHAY CORP. D/B/A GIMBEL'S LIQUORS
1637 BEACON ST.
BROOKLINE, MA 02445
LICENSE#: 89096-PK-0148
VIOLATION DATE: 10/20/2017
HEARD: 5/08/2018**

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, May 8, 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 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. Photocopy of New Jersey Driver's License.

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 20, 2017, at approximately 6:15 p.m., Investigators Kenny and Velez, ("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 a youthful looking female individual exit the premises carrying plastic bags which she then placed inside a backpack.
3. Investigators approached the youthful appearing female, identified themselves, and asked for proof of legal age.
4. Underage #1, actual date of birth 10/19/1998 (age 19) was in possession of two 1.75-liter bottles of Pink Lemonade Rubinoff vodka, one 1.75-liter bottle of Mango Rubinoff vodka, and one liter of Jamison whiskey. She presented Investigators with a real New Jersey driver's license in another person's name.

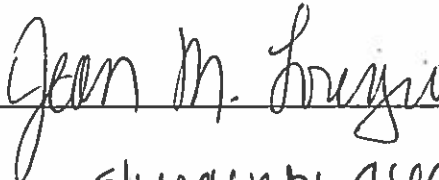
5. Investigators entered the licensed premises and spoke to the manager on duty, Nipun Patel. Investigators informed Mr. Patel of the above violations and that a report would be filed with the Chief Investigator for further action.

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 (1 count). Therefore, the Commission **suspends the license for four (4) days which 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



Kathleen McNally, Commissioner



Dated: May 9, 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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Mark Kenny, Investigator
Gregory Demarkis, Esq. via facsimile 781-592-4990
Administration, File