



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**BAY STATE WINES & SPIRITS INC. D/B/A BAY STATE WINE & SPIRITS
2740 WASHINGTON STREET
CANTON, MA 02021
LICENSE #: 01700-PK-0046
VIOLATION DATE: 10/04/2019
HEARD: 1/28/2020**

Bay State Wines & Spirits Inc. d/b/a Bay State Wine & Spirits (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, January 28, 2020, 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 (1 count) which occurred on October 4, 2019 according to Investigator Gould's Report.

The following documents are in evidence:

1. Investigator Gould's Investigative Report;
2. Copy of Fraudulent Rhode Island Driver's License.
- A. Copies of Confiscated Fraudulent Identifications;
- B. Picture of Front Door Signage at Licensed Premises.

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

FINDINGS OF FACT

1. On Friday, October 4, 2019, at approximately 8:05 p.m. Investigators Teehan and Gould ("Investigators") conducted an investigation of the business operation of Bay State Wines & Spirits Inc. d/b/a Bay State Wine & Spirits to determine the manner in which its business was being conducted. (Exhibit 1)
2. While outside the licensed premises, Investigators observed a youthful looking male individual enter the store. Minutes later, Investigators observed the same youthful appearing individual exit the premises with a 30-pack of Natural Light beer and a 12-pack

of Bud Light Platinum beer. Investigators identified themselves and asked to see proof of legal age. (Exhibit 1)

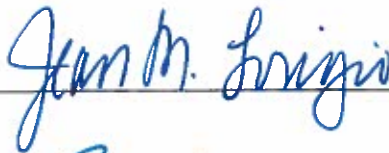
3. Underage #1, actual date of birth 4/29/2001 (age 18), presented to Investigators a fraudulent Rhode Island driver's license in his own name with a different date of birth, which he used to purchase the alcoholic beverages. (Exhibits 1 & 2)
4. Investigators entered the licensed premises and spoke to the clerk on duty, Robert Abdo. Investigators informed Abdo of the violation, and that a report would be filed with the Chief Investigator for further action. (Exhibit 1)
5. Marie Zeghib, Licensee and Manager of Record, appeared at the Commission hearing and testified as to the extensive steps taken to ensure that persons under 21 years of age are not able to procure alcohol at her licensed premise. She informed the Commission that she has a scanner which has been recently updated. Ms. Zeghib testified that in this instance the clerk scanned the fraudulent identification and it scanned as legitimate. She also testified that as her policy directs, the clerk asked for a second form of identification. (Testimony)
6. The Licensee has a practice of confiscating fraudulent identifications and presented the Commission with over 50 that she's taken in the last year. In addition, she has signage on the front door of the premise warning patrons not to attempt to use fraudulent identification and informing them that such identification will be confiscated, and the police will be informed. (Exhibits A & B, Testimony)
7. The Licensee has been licensed under M.G.L. c. 138, § 15 since January of 2019 with no prior violations. (Testimony)

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 (1 count). The Commission **issues a WARNING.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: February 6, 2020

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Brian Gould, Investigator
Michael Teehan, Investigator
John Connell, Esq.
Administration, File