



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

**Jean M. Lorizio, Esq.**  
*Chairman*

**NOTICE OF SUSPENSION**

August 24, 2022

**AKAR ENTERPRISES INC. D/B/A NEPONSET ST. SUNOCO  
702 NEPONSET STREET  
CANTON, MA 02021  
LICENSE#: 89564-PK-0170  
VIOLATION DATE: 3/4/2022  
HEARD: 5/10/2022**

After a hearing on May 10, 2022, the Commission finds Akar Enterprises Inc. d/b/a Neponset St. Sunoco violated M.G.L. c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count).

**The Commission suspends the license for a period of one (1) day to be served.**

**The suspension shall be served on Monday, October 17, 2022.** The license will be delivered to the Local Licensing Board or its designee on Monday, October 17, 2022, at 9:00 A.M. It will be returned to the licensee on October 18, 2022.

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**

Jean M. Lorizio  
Chairman

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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  
John David, Investigator  
Jack Carey, Investigator  
Michael Teehan, Investigator  
Administration, File



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**DECISION**

**AKAR ENTERPRISES INC. D/B/A NEPONSET ST. SUNOCO  
702 NEPONSET STREET  
CANTON, MA 02021  
LICENSE#: 89564-PK-0170  
VIOLATION DATE: 3/4/2022  
HEARD: 5/10/2022**

Akar Enterprises Inc. d/b/a Neponset St. Sunoco (the "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, May 10, 2022, regarding an alleged violation of 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 March 4, 2022, according to Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report;
2. ABCC New License Approved, 5/14/2019.

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

**FINDINGS OF FACT**

1. On Friday, March 4, 2022, at approximately 7:00 p.m., Investigators Cary, Teehan, and David ("Investigators"), inspected Akar Enterprises Inc. d/b/a Neponset St. Sunoco to determine the manner in which its business was being conducted.
2. Investigators observed a youthful appearing male individual exit the rear door of a black Chevrolet Camaro and enter the licensed premises. Shortly thereafter, Investigators observed the same individual exit the store in possession of one 750 ml bottle of Barefoot wine. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 7/23/2002 (age 19), stated to Investigators that he was not asked for identification when he purchased the alcoholic beverage.

4. Investigators entered the licensed premises with Underage #1 and he identified the clerk who sold him the wine. The clerk, Aisha Patel, admitted to selling the alcoholic beverage to the underage individual without seeing his identification.
5. Investigators informed Ms. Patel of the violation and that a report would be filed with the Chief Investigator for further action.
6. Mr. Abdallah Akar, President of the Akar Enterprises, appeared at the Commission hearing and testified the Licensee has since purchased a scanner to assist in checking identification. Mr. Akar stated he questioned his employee about whether she had requested identification from Underage #1 and she told him she had seen his identification. He further stated that the employee was terminated as a result of this incident.
7. The Licensee has held a license under M.G.L. c. 138, § 15 since 2019.

### DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm'n, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was "enacted ... to serve the public need and ... to protect the common good." M.G.L. c. 138, § 23. "[T]he purpose of discipline is not retribution, but the protection of the public." Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given "comprehensive powers of supervision over licensees." Connolly, 334 Mass. at 617.

The law is well-settled that the responsibility of the licensee is to exercise sufficiently close supervision so that there is compliance with the law on the premises. A vendor who sells alcohol is "bound at his own peril to keep within the condition of his license." Commonwealth v. Gould, 158 Mass. 499, 507 (1893); Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Comm'n, 7 Mass. App. Ct. 186, 190 (1979). It is, thus, quite possible for a licensee to offend the regulatory scheme without scienter. Rico's of the Berkshires, Inc. v. Alcoholic Beverages Control Comm'n, 19 Mass. App. Ct. 1026, 1027 (1985).

The Licensee is charged with a 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. M.G.L. c. 138, § 34 states, in pertinent part, that: "[w]hoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under twenty-one years of age ... shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both." M.G.L. c. 138, § 34.

In this matter, direct evidence was presented through the investigator's testimony as to the sale and delivery of an alcoholic beverage to a person under the age of twenty-one years inside the licensed premises.

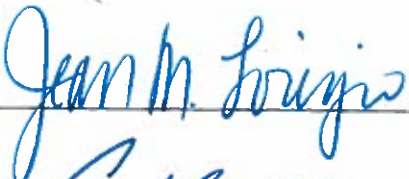
The Commission is persuaded by the evidence that Akar Enterprises Inc. d/b/a Neponset St. Sunoco sold alcoholic beverages to a person who was under twenty-one years of age. The Commission finds that the Licensee committed a violation of M.G.L. c. 138, § 34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count).

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission **suspends the license for a period of one (1) day to be served.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: August 24, 2022

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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这份文件是重要的，应立即进行翻译

2022-000027-ad-enf

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