

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

**NOTICE OF SUSPENSION**

February 8, 2012

**RTE 58 CONVENIENCE, INC. DBA QUICKEEZ**  
**60 NORTH MAIN STREET**  
**CARVER, MA 02330**  
**LICENSE#: 017400026**  
**HEARD: 02/07/2012**

After a hearing on February 7, 2012, the Commission finds Rte 58 Convenience, Inc. dba Quickeez in violation of M.G.L. c. 138 §23 (24 counts).

The Commission **suspends the licensee's license for a total of fifteen (15) days. The suspension shall commence on Wednesday, March 21, 2012 and terminate on Wednesday, April 4, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, March 21, 2012 at 9:00 A.M. It will be returned to the licensee Thursday, April 5, 2012. **No offer in compromise will be considered for three (3) of the fifteen (15) day suspension for this penalty.**

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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**

Kim S. Gainsboro  
Chairman

cc:  Local Licensing Board  
 Frederick G. Mahony, Chief Investigator  
 Jack Carey, Investigator  
 William Cintolo, Esq. via facsimile  
 Administration  
 File



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**DECISION**

**RTE 58 CONVENIENCE, INC. DBA QUICKEEZ**  
**60 NORTH MAIN STREET**  
**CARVER, MA 02330**  
**LICENSE#: 017400026**  
**HEARD: 02/07/2012**

Rte 58 Convenience, Inc. dba QuickeeZ (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, February 7, 2012, regarding an alleged violation of M.G.L. c. 138 §23 (24 counts) which occurred on November 9, 2011 detailed in Investigator John Carey's Investigative Report.

The following documents are in evidence:

**Commission Exhibits**

1. Investigator Carey's Report dated November 22, 2011;
2. Carver Police Department Incident Report dated November 3, 2011; and
3. Letter, dated November 14, 2011, from Kappy's Importing & Distributing Co., Inc. (the "Wholesaler").

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

**FACTS**

1. On Wednesday, November 9, 2011, at approximately 1:00 p.m., Investigators Binienda and Carey, with Sgt. Marc Duphily of the Carver Police Department, investigated the business operation of Rte 58 Convenience, Inc. dba QuickeeZ to determine the manner in which their business was conducted.
2. The investigators had received information from the Carver Police Department that the licensee had purchased wine from an individual and not from a licensed wholesaler.
3. The wine in question was Laurel Cellars Chardonnay, distributed locally by Kappy's Importing and Distributing Co. Inc.
4. The wholesaler had determined not to make available this product as the word 'chardonnay' was misspelled on the labels with only one 'n'.
5. Investigators entered the licensed premises and visited the wine section.

6. Investigators observed twenty-four (24) bottles of seven hundred and fifty milliliters (750 ML) each identified as Laurel Cellars "Chardonay" with the name of the wine misspelled with only one 'n'.
7. Investigators identified themselves to the clerk, Mr. Rajeshkumar K. Patel.
8. Investigators asked Mr. Patel where he purchased this wine.
9. Mr. Patel stated he had no knowledge of the wine purchases, and offered to contact the owner by telephone.
10. Investigators spoke by telephone to this person, who identified herself as Ms. Vanitaben S. Patel.
11. Ms. Patel stated that she and her husband own the licensed premises.
12. Ms. Patel stated that they buy all of their product from wholesalers.
13. Ms. Patel stated she would come immediately to the store and show investigators the invoice for the wine purchase.
14. Upon her arrival at the licensed premises, investigators asked Ms. Patel for identification, which she provided to them.
15. Despite some time searching through the invoices, Ms. Patel was not able to provide investigators with an invoice for this wine purchase.
16. Investigators requested that Ms. Patel contact them immediately if she found the invoice in question.
17. Investigators informed Ms. Patel of the violation, and that a report would be filed with the Commission for further action.
18. Investigators took the wine as evidence, and exited the premises.
19. The following day, Investigator Carey contacted the wholesaler who has sole distribution of the product in question.
20. The wholesaler stated he had never sold any product to the licensee.
21. The wholesaler sent Investigator Carey a letter, dated November 14, 2011 and signed by the president of the company, Mr. Ralph Kaplan, stating that they have never sold anything to the licensee.
22. Investigator Carey was contacted by Attorney William Cintolo, who stated he was representing the licensee. He stated when he spoke with his client he would ask about the invoice for the wine.
23. If the invoice had been found, Attorney Cintolo would contact the investigator immediately.
24. Investigator Carey never heard from Attorney Cintolo nor from the licensee in regards to this invoice.

CONCLUSION

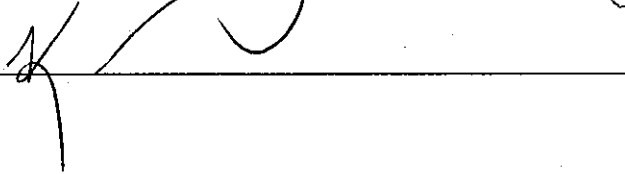
Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §23 (24 counts). Therefore, the Commission **suspends the license for a period of twenty-four (24) days of which fifteen (15) days will be served and nine (9) days will be held in abeyance for a period of two (2) years, provided no further violations of Chapter 138 or Commission Regulations occur. No offer in compromise will be considered for three (3) of the fifteen (15) days suspension for this penalty.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



Kim S. Gainsboro, Chairman



Dated: February 8, 2012

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.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Jack Carey, Investigator  
William Cintolo, Esq. via facsimile  
Administration  
File