

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

Steven Grossman
Treasurer and Receiver General

Kim J. Guinstone, Esq.
Chairman

DECISION

NIRAV, INC. DBA DARTMOUTH WINE & SPIRITS
313 STATE ROAD
DARTMOUTH, MA 02747
LICENSE#: 026600064
VIOLATION DATE: 10/18/2012
HEARD: 01/29 /2013

Nirav, Inc. dba Dartmouth Wine & Spirits (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 29, 2013, regarding an alleged violation of M.G.L. Ch.138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Binienda's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Binienda's Investigative Report dated October 18, 2012; and
3. Printout of Massachusetts Driver's License for J. Drakakis.

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

FACTS

1. On Thursday, October 18, 2012, at approximately 10:30 p.m., Investigators Kujawski and Binienda investigated the business operation of Nirav, Inc. dba Dartmouth Wine & Spirits to determine the manner in which their business was being conducted.
2. Investigators parked their vehicle outside the licensed premises to make observations.
3. Investigators observed a youthful looking male individual exit a vehicle and enter the premises.
4. Shortly thereafter, investigators observed this youthful looking male individual exit the store with alcoholic beverages, two (2) 1.5 liters of Arbor Mist Zinfandel wine and one (1) .375 bottle of Jagermeister liqueur.
5. Investigators approached the youthful looking male individual and asked to see some identification.
6. The youthful looking male individual was identified as Jake Drakakis, date of birth [REDACTED] age nineteen (19) years.
7. Mr. Drakakis stated that he showed his military identification to the clerk on duty inside the premises.

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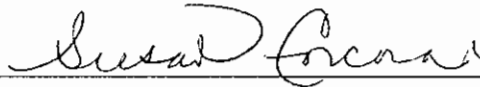
8. Investigators accompanied Mr. Drakakis into the licensed premises and spoke to the clerk on duty, later identified as Gaurav Kulkarni, who sold the alcoholic beverages to Mr. Drakakis.
9. Investigators identified Mr. Drakakis to Mr. Kulkarni and to the owner, Hitesh Patel.
10. Investigators asked if Mr. Kulkarni checked for a date of birth on the military identification.
11. Mr. Kulkarni stated that he did not check the date of birth.
12. Investigators observed that military identification listed date of birth as [REDACTED]
13. Investigators informed Mr. Patel of the violation 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 of M.G.L. Ch.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 of which four (4) 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

Susan Corcoran, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner



DATE: January 29, 2013

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
Jamie Binienda, Investigator
Jan Kujawski, Investigator
Administration
File