DECISION

NIRAV, INC. D/B/A DARTMOUTH WINE & SPIRITS
313 STATE ROAD
DARTMOUTH, MA 02747
LICENSE#: 00064-PK-0266
VIOLATION DATE: 9/26/2019
HEARD: 1/28/2020

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 ("Commission" or "ABCC") held a hearing on Tuesday, January 28, 2020, 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). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Violation Report;
2. Licensee's Stipulation of Facts;
3. Copy of Transfer Approval, 12/24/2010;
4. Copy of Fraudulent Maine Driver's License;
5. ABCC Decision, (violation date: 9/18/2014), 12/22/2014;
6. ABCC Decision, (violation date: 10/2/2014), 12/22/2014;
7. ABCC Decision, (violation date: 10/18/2012), 1/29/2013.

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

FINDINGS OF FACT

1. On Thursday, September 26, 2019, at approximately 3:30 p.m. Investigators Binienda and Velez ("Investigators") conducted an investigation of the business operation of Nirav, Inc. dba Dartmouth Wine & Spirits to determine the manner in which its business was being conducted.

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 Michelob Ultra beer. Investigators identified themselves and asked to see proof of legal age.
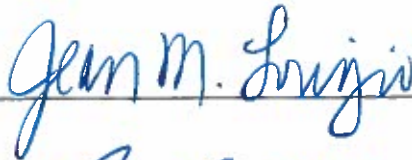
3. Underage #1, actual date of birth 3/09/2000 (age 19), presented to Investigators a fraudulent Maine driver's license in his own name with a different date of birth, which he used to purchase the alcoholic beverages.

4. Investigators entered the licensed premises and spoke to the clerk on duty, Vitesh Thakker. Investigators informed Mr. Thakker of the violation, and that a report would be filed with the Chief Investigator for further action.

5. The Licensee testified that since their last violation in 2014, they no longer accept out of state identifications. However, in this one instance, a family member, who did not know of this policy, was working at the premises.

6. The Licensee and his wife are the only employees, and both have been TIPS certified.

7. The Licensee has not had any violations since 2014.

CONCLUSION

Based on the evidence, the Commission finds the Licensee 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 one (1) day 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 _____

Crystal Matthews, Commissioner _____

Dated: January 30, 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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Matthew Porter, Esq.
Administration, File