



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

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

NOTICE OF SUSPENSION

November 13, 2025

**SWAN RIVER PACKAGE CORP. D/B/A SWAN RIVER LIQUORS  
964 MAIN STREET A  
DENNIS, MA 02670  
LICENSE#: 89268-PK-0278  
VIOLATION DATE: 7/18/2024  
HEARD: 10/22/2024**

After a hearing on October 22, 2024, the Commission finds Swan River Package Corp. d/b/a Swan River Liquors 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).

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

**The suspension shall be served on Monday, January 12, 2026.** The license will be delivered to the Local Licensing Board or its designee on Monday, January 12, 2026, at 9:00 A.M. It will be returned to the licensee on January 13, 2026.

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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2024-000182-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Nicholas Velez, Investigator  
David McDonough, Investigator  
Patrick Nickerson, Esq.  
Administration, File



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**SWAN RIVER PACKAGE CORP. D/B/A SWAN RIVER LIQUORS  
964 MAIN STREET A  
DENNIS, MA 02670  
LICENSE#: 89268-PK-0278  
VIOLATION DATE: 7/18/2024  
HEARD: 10/22/2024**

Swan River Package Corp. d/b/a Swan River Liquors (“Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (“Commission” or “ABCC”) held a remote hearing via Microsoft Teams on Tuesday, October 22, 2024, 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).

The following documents are in evidence:

1. Violation Report of Investigator D. McDonough;
2. ABCC Application Summary Review, Pledge of License Approved 3/26/2018.

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

FINDINGS OF FACT

1. On Friday, July 18, 2024, Investigators McDonough and Velez (“Investigators”) conducted surveillance of the business operation of Swan River Package Corp. d/b/a Swan River Liquors. (Testimony, Exhibit 1)
2. At approximately 8:45 p.m., Investigator McDonough observed a youthful appearing male individual exit the licensed premises in possession of what appeared to be alcoholic beverages. Investigators approached the individual, identified themselves and requested proof of legal age to purchase and/or possess alcoholic beverages. Id.
3. Underage #1, actual date of birth 9/2/2007 (age 16), was in possession of one (1) six (6) pack of Coors beer, one (1) six (6) pack of Mike’s Hard Lemonade, and one (1) 25 oz. Mike’s Harder – Mango, and two (2) Dr. McGillicuddy’s Root Beer Nips. He informed Investigators he used a picture located on his phone of a fraudulent Massachusetts driver’s license to purchase the alcoholic beverages. Id.

4. At approximately 9:42 p.m., Investigators entered the licensed premises and spoke to the clerk on duty, informed her of the violation and that a report would be filed with the Chief Investigator. Id.
5. The Licensee holds a license under M.G.L. c. 138, § 15. (Exhibit 2)

### 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 his observations of a person under the age of twenty-one years exiting the licensed premises in possession of alcoholic beverages.

The Licensee, through counsel, took responsibility for the sale to the underage individual and argued as mitigating factors, the actions of the Licensee to prevent future violations as well as the Licensee's record before the Commission.

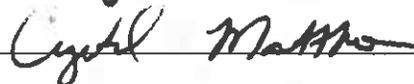
The Commission is persuaded by the evidence that Swan River Package Corp. d/b/a Swan River Liquors sold alcoholic beverages to a person who was under twenty-one years of age. The Commission finds that the Licensee committed a violation of M.G.L. c. 138, § 34 - Sale or delivery of an alcoholic beverage 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, § 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 a period of one (1) day.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman \_\_\_\_\_ 

Crystal Matthews, Commissioner \_\_\_\_\_ 

Deborah Baglio, Commissioner \_\_\_\_\_ 

Dated: November 13, 2025

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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