



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 26, 2026

**KJACK INC. D/B/A UPSIDE FOOD N' DRINK
59 SCHOFIELD AVENUE, SUITE 2
DUDLEY, MA 01571
LICENSE#: 06143-RS-0296
VIOLATION DATE: 02/27/2025
HEARD: 06/10/2025**

After a hearing on June 10, 2025, the Commission finds Kjack Inc. d/b/a Upside Food N' Drink violated 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: Ch. 138 § 34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age (5 Counts).

The Commission suspends the license for a period of 6 days of which 3 days will be served and 3 days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.

By decision dated 9/17/2024, the Commission has previously ordered a one (1) day suspension to be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occurred. Based upon the violation found above, the Licensee violated the conditions of that one-day suspension being held in abeyance. Therefore, the Commission orders that one day suspension to be served. The Licensee will serve a total of 4 days.

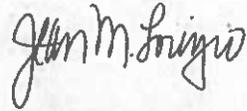
The suspension shall commence on Monday, April 13, 2026, and terminate on Thursday, April 16, 2026. The license will be delivered to the Local Licensing Board or its designee on Monday, April 13, 2026, at 9:00 A.M. It will be returned to the Licensee on Friday, April 17, 2026.

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

Telephone: (617) 727-3040 * Fax: (617) 727-1510 * www.mass.gov/abcc



Jean M. Lorizio
Chairman

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2025-000058-ad-enf

- cc: Local Licensing Board
Katherine McCormick, Esq., Associate General Counsel
Frederick G. Mahony, Chief Investigator
John David, Investigator
Sean Fleming, Investigator
David McDonough, Investigator
Sean Smiddy, Investigator
Nicole Smith, Investigator
Christopher Temple, Investigator
Administration, File



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DECISION

**KJACK INC. D/B/A UPSIDE FOOD N' DRINK
59 SCHOFIELD AVENUE, SUITE 2
DUDLEY, MA 01571
LICENSE#: 06143-RS-0296
VIOLATION DATE: 02/27/2025
HEARD: 06/10/2025**

Kjack Inc. d/b/a Upside Food N' Drink ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a hearing on Tuesday, June 10, 2025, regarding an alleged violation of 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: Ch. 138 § 34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age (5 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator David's report.

The following documents are in evidence:

1. Investigative Report of J. David;
 2. ABCC License Authority Certification, New License Approved 6/15/2021;
 3. ABCC Decision, 9/17/2024;
 4. Licensee's Stipulation of Facts.
- A. Licensee's Statement, Scanner Documentation, Serve Safe & TIPS Certifications.

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

FINDINGS OF FACT

1. On Thursday, February 27, 2025, at approximately 10:30 p.m., Investigators Fleming, McDonough, Smiddy, Smith, Temple, and David ("Investigators"), along with officers of the Dudley Police Department ("Officers") inspected the business operation of Kjack Inc. d/b/a Upside Food N' Drink ("Licensee" or "Upside Food").
2. Investigators Fleming and David observed several youthful appearing individuals on the right side of the premises in possession of what appeared to be alcoholic beverages.

3. Investigators identified themselves and requested proof of legal age to possess alcoholic beverages. Two of the individuals indicated that they were not yet 21 years of age.
4. Underage #1, actual date of birth 02/07/2005 (age 20), was in possession of a Miller Lite beer. He provided to Investigators a fraudulent Connecticut driver's license bearing his name but a different birth date.
5. Underage #2, actual date of birth 08/14/2005 (age 19), was in possession of a Bud Light draft beer. He provided to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date.
6. Investigators Temple and McDonough observed a table of several youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and requested proof of legal drinking age. One of the individuals indicated she was not yet 21 years of age.
7. Underage #3, actual date of birth 04/05/2004 (age 20), was in possession of a Malibu rum and cranberry, grenadine and Sprite[®] mixed drink. She provided to Investigators a fraudulent Rhode Island driver's license bearing her name but a different birth date.
8. Investigators Smith and Smiddy observed several youthful appearing individuals on the left side of the premises in possession of alcoholic beverages. Investigators identified themselves and requested proof of legal age to possess alcoholic beverages. Two of the individuals indicated that they were not yet 21 years of age.
9. Underage #4, actual date of birth 02/14/2005 (age 20), was in possession of a Bud Light draft beer. She stated to Investigators that she was not asked for identification to enter the establishment.
10. Underage #5, actual date of birth 01/17/2005 (age 20), was in possession of a vodka cranberry mixed drink. She stated to Investigators that she was not asked for identification to enter the establishment.
11. Investigator Temple identified himself to the owner, Christopher Rivers, informed him of the violations and that a report would be filed with the Chief Investigator for further review.
12. Christopher and Kellie Rivers, Licensees, appeared at the Commission hearing.
13. The Licensee has held a license under M.G.L. c. 138, § 12 since 2021 with one prior violation.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: Ch. 138 § 34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age (5 Counts).

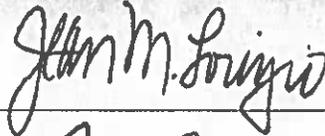
Therefore, the Commission **suspends the license for a period of 6 days, of which 3 days will be served and 3 days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

By decision dated 9/17/2024, the Commission had ordered a one (1) day suspension to be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occurred. Based upon the violation found above, the Commission now orders that one day suspension to be served.

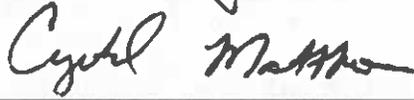
The Licensee will serve a total of 4 days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

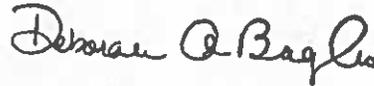
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: February 26, 2026

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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