



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

January 26, 2024

**JAY SOMNATH INC. D/B/A BENNETT'S GENERAL STORE
136 TREMONT STREET
DUXBURY, MA 02332
LICENSE#: 90019-PK-0300
VIOLATION DATE: 6/15/2023
HEARD: 10/03/2023**

After a hearing on October 3, 2023, the Commission finds Jay Somnath Inc. d/b/a Bennett's General Store violated M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (5 Counts). The Commission **suspends the license for a period of four (4) days to be served.**

The suspension shall commence on Monday, March 11, 2024, and terminate on Thursday, March 14, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, March 11, 2024, at 9:00 A.M. It will be returned to the licensee on date March 15, 2024.

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

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。
यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए
Dokiman sa a enpòtan epi li ta dwe tradwi touswit
'Đây là tài liệu quan trọng và cần được dịch ngay'
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2023-000189-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicolas Velez, Investigator
Nicole Terasconi, Investigator
Howard Cahoon, Esq.
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**JAY SOMNATH INC. D/B/A BENNETT'S GENERAL STORE
136 TREMONT STREET
DUXBURY, MA 02332
LICENSE#: 90019-PK-0300
VIOLATION DATE: 6/15/2023
HEARD: 10/03/2023**

Jay Somnath Inc. d/b/a Bennett's General Store ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, October 3, 2023, 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 (5 Counts). Prior to the commencement of the hearing the Licensee stipulated to facts alleged in Investigator Velez's report.

The following documents are in evidence:

1. Investigator Velez's Amended Report;
2. ABCC Licensing Authority Certification, Transfer of License Approved, 5/7/2021;
3. Photocopies (2) of Fraudulent Driver's Licenses Confiscated, Front and Back;
4. Licensee's Stipulation of Facts.

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

1. On Thursday, June 15, 2023, from approximately 6:04 p.m. to 9:15 p.m., Investigators Terasconi and Velez ("Investigators") conducted surveillance of Jay Somnath Inc. d/b/a Bennett's General Store to determine the way business was being conducted.
2. Investigators observed a youthful appearing male individual exit a Toyota Tacoma motor vehicle and enter the licensed premises. Shortly thereafter, at approximately 6:04 p.m., they observed the same male exit the store carrying one 18-pack of Coors Light beer. Investigators approached the male, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
3. Underage #1, actual date of birth 10/21/2002 (age 20), provided Investigators with a fraudulent Connecticut driver's license bearing his own name but a different birth date which he used to purchase the beer.

4. At approximately 6:18 p.m., Investigators observed a youthful appearing male individual exit a Mitsubishi Lancer motor vehicle and enter the licensed premises. Shortly thereafter, the same male exited the establishment carrying what appeared to be alcoholic beverages. Investigators approached the male, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
5. Underage #2, actual date of birth 11/13/2004 (age 18), was in possession of one 6-pack of Mikes Hard Lemonade Strawberry and one sleeve of Dr. McGillicuddy liqueur nips. He provided Investigators with an imposter Rhode Island driver's license which he used to purchase the alcoholic beverages.
6. At approximately 7:48 p.m., Investigators observed a youthful appearing female individual exit a Volkswagen Tiguan motor vehicle and enter the licensed premises. Shortly thereafter, the same female exited the establishment carrying what appeared to be alcoholic beverages. Investigators approached the female, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
7. Underage #3, actual date of birth 9/06/2004 (age 18), was in possession of two 6-packs of The Finnish Long Drink alcoholic beverages. She provided Investigators with a fraudulent Massachusetts driver's license bearing her name but a different birth date which she used to purchase the alcoholic beverages.
8. At approximately 8:06 p.m., Investigators observed a youthful appearing male individual exit a Jeep Grand Cherokee motor vehicle and enter the licensed premises. Shortly thereafter, the same male exited the establishment carrying alcoholic beverages. Investigators approached the male, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
9. Underage #4, actual date of birth 2/19/2004 (age 19), was in possession of one 18-pack of Coors Light beer and one 6-pack of Narragansett Del's Shandy beer. He provided Investigators with a fraudulent Massachusetts driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages.
10. At approximately 9:15 p.m., Investigators observed a youthful appearing male individual exit a Toyota Camry motor vehicle and enter the licensed premises. Shortly thereafter, the same male individual exited the establishment carrying alcoholic beverages. Investigators approached the male, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
11. Underage #5, actual date of birth 1/19/2005 (age 18), was in possession of one 30-pack of Miller Lite beer, one 18-pack of Coors Light beer, one 12-pack of Coors Light beer, and one sleeve of Fireball nips. He provided Investigators with a fraudulent Massachusetts driver's license bearing his name but a different birth date which he used to purchase the alcoholic beverages.
12. Based on their observations of the physical features and appearance of the underage individuals, it was clear to Investigators that they were under the age of 21. They formed the opinion that a reasonable person should have known that the individuals were under 21

years of age. Investigators determined that the Licensee's reliance upon the fraudulent Massachusetts driver's licenses was not reasonable.

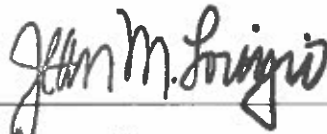
13. At approximately 9:30 p.m., Investigators entered the licensed premises and spoke to the clerk on duty, Investigators informed him of the violations, and that a report would be submitted to the Chief Investigator for further action.
14. Mr. Saumil Patel, Manager of Record, appeared at the Commission hearing. The Commission was informed the Licensee has since purchased an identification scanner.
15. The Licensee has held a license under M.G.L. c. 138, § 15 since 2021 with no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (5 Counts). As a result, the Commission **suspends the license for a period of six (6) days, of which four (4) days will be served and two (2) 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.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: January 26, 2024

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。
यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए
Dokiman sa a enpòtan epi li ta dwe tradwi touswit
'Đây là tài liệu quan trọng và cần được dịch ngay'
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2023-000189-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicolas Velez, Investigator
Nicole Terasconi, Investigator
Howard Cahoon, Esq.
Administration, File



Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358
Telephone: (617) 727-3040 Fax: (617) 727-1510

Jean M. Lorizio, Esq.
Chairman

OFFER IN COMPROMISE IN LIEU OF SUSPENSION

Licensee Information:

License Number:

Licensee Name:

DBA(if any):

Address of Licensed Premises:

City/Town:

State:

Zip:

Business Phone:

Cell Phone:

Type of License:

Email:

(Restaurant, Package Store, Club, Hotel, Tavern, General on Premises, Veterans Club)

Offer in Compromise Information:

1. The above referenced licensee is submitting this Offer to the Alcoholic Beverages Control Commission in reference to a recent decision, resulting a suspension:

a. Violation Date:

b. Number of Days Suspended:

c. Hearing Date:

2. The licensee certifies that this offer is calculated according to the formula set forth in M.G.L. Chapter 138, §23. The amounts on the following line items (Item 4 and Item 5) may be from either the twelve (12) months immediately preceding the date of this violation (Item 1a above) or, for licensees that have been in business for more than one (1) year, from the licensee's most recent full fiscal (income tax) year.

3. State the Period Covered by the amounts on Item 5 and 6:

4. Total annual **receipts** from the sale of ONLY alcoholic beverages:

\$

5. Total annual **invoiced costs** of ONLY alcoholic beverages sold:

\$

6. Gross annual alcoholic beverage profit:
[Item 4 (receipts) minus Item 5 (invoiced costs)]

\$