



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**NUAZ INC. D/B/A ZAIN'S SMOKE SHOP
611 NORTH MAIN STREET
EAST LONGMEADOW, MA 01028
LICENSE#: 89797-PK-0328
VIOLATION DATE: 9/17/2021
HEARD: 12/14/2021**

Nuaz Inc. d/b/a Zain's Smoke Shop (the "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, November 16, 2021, 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 facts alleged in Investigator Fleming's Report.

The following documents are in evidence:

1. Investigator Fleming's Report;
2. ABCC Licensing Authority Certification, New License Approval, 6/18/2020;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, September 17, 2021, at approximately 6:50 p.m., Investigators Gould, Keefe, and Fleming ("Investigators"), conducted an inspection of the business operation of Nuaz Inc. d/b/a Zain's Smoke Shop to determine the manner in which its business was being conducted.
2. While outside the licensed premises, Investigators observed a motor vehicle with four youthful appearing male subjects enter the parking lot. The driver exited the vehicle and entered the licensed premises. Investigators observed the same male individual exit the premises in possession of one 12-pack of Coors Light beer.
3. Investigators observed this male individual reenter the premises and exit with two 6-packs of Smirnoff Hard Seltzers which he placed in the trunk. Investigators identified themselves and asked to see proof of legal age.

4. Underage #1, actual date of birth 12/05/2001 (age 19), presented to Investigators a fraudulent Maine driver's license, admitted it was fraudulent and stated he was 19 years old. He subsequently produced his genuine driver's license.
5. Another patron alerted the clerk on duty that Investigators were in the parking lot. The clerk exited the store to speak with Investigators. Investigators informed him of the violation and that a report would be filed with the Chief Investigator for further action.
6. The Licensee, Sarib Nuwaz, appeared at the Commission hearing and testified that he was not present at the time of the Investigator's visit but spoke with an Investigator over the telephone. He has since made policy changes and now requires patrons to present two forms of identification. In addition, he intends to purchase a scanner to aid in assessing identifications.
7. The Licensee has held a license under M.G.L. c. 138, § 15 since 2020 with no prior violations.

CONCLUSION

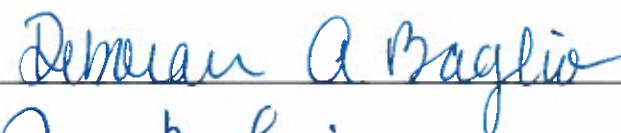
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission **suspends the license for a period of one (1) day which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Jean M. Lorizio, Chairman



Dated: December 15, 2021

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Sean Fleming, Investigator
Brian Gould, Investigator
Dennis Keefe, Investigator
Administration, File