



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

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

**DECISION**

**PMB HENNESSEY'S CORP. D/B/A HENNESSEY'S PACKAGE STORE**  
**589 WASHINGTON STREET**  
**EASTON, MA 02375**  
**LICENSE#: 89944-PK-0368**  
**VIOLATION DATE: 9/15/2022**  
**HEARD: 11/15/2022**

PMB Hennessey's Corp. d/b/a Hennessey's Package 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, November 15, 2022, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: 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 Carey's Report.

The following documents are in evidence:

1. Investigator Carey's Report;
  2. ABCC Licensing Authority Certification, Transfer of License Approved, 2/5/2021;
  3. Fraudulent Connecticut Driver's License Confiscated;
  4. Town of Easton Decision, 6/29/2022;
  5. Licensee's Stipulation of Facts.
- A. Document Transaction Reports (3).

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

FINDINGS OF FACT

1. On Thursday, September 15, 2022, Investigators Temple and Carey ("Investigators"), inspected PMB Hennessey's Corp. d/b/a Hennessey's Package Store to determine the manner in which its business was being conducted.
2. At approximately 5:10 p.m., Investigators observed a youthful appearing male individual exit a white Jeep Wrangler vehicle and enter the licensed premises. Shortly thereafter, the same individual exited the store in possession of alcoholic beverages, an 18-pack of Coors Light beer. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.

3. Underage #1, actual date of birth 2/22/2002 (age 20), presented to Investigators a fraudulent Connecticut driver's license in his name with a different birth date. Underage #1 stated he was asked for identification by the Licensee's employee, and he produced the fraudulent Connecticut driver's license.
4. Investigators entered the licensed premises and spoke to the clerk on duty, Jay Kotak, who identified himself as the manager. He stated they had recently purchased an identification scanner and were getting used to it.
5. Investigators informed the clerk of the violation and that a report would be filed with the Chief Investigator for further action.
6. Mr. Kotak appeared at the Commission hearing on behalf of the Licensee. Mr. Kotak testified he inspected the driver's license presented by Underage #1. He stated he compared the photograph to Underage #1, as well as asked him questions about his address.
7. The Licensee has held a license under M.G.L. c. 138, § 15 since 2021 with no prior Commission 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: 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 are found by this Commission.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Crystal Matthews, Commissioner *Crystal Matthews*

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

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Deborah Baglio, Commissioner *Deborah A. Baglio*

Dated: March 13, 2023

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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2022-000163-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Jack Carey, Investigator  
Christopher Temple, Investigator  
Administration, File