

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

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

NOTICE OF SUSPENSION

August 26, 2022

**FENISHA CORP. D/B/A SCHOONER'S MARKET**  
**121 EASTERN AVENUE**  
**ESSEX, MA 01929**  
**LICENSE#: 88941-PK-0380**  
**VIOLATION DATE: 7/01/2022**  
**HEARD: 8/09/2022**

After a hearing on August 9, 2022, the Commission finds Fenisha Corp. d/b/a Schooner's Market violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (3 Counts). The Commission **suspends the license for a period of four (4) days to be served.**

**The suspension shall commence on Monday, October 17, 2022, and terminate on Thursday, October 20, 2022.** The license will be delivered to the Local Licensing Board or its designee on Monday, October 17, 2022, at 9:00 A.M. It will be returned to the licensee on October 21, 2022.

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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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Melissa Anderson, Investigator  
David Bolcome, Investigator  
Robert Gardner, Investigator  
Mustafa Sidki, Esq.  
Administration, File





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**DECISION**

**FENISHA CORP. D/B/A SCHOONER'S MARKET**  
**121 EASTERN AVENUE**  
**ESSEX, MA 01929**  
**LICENSE#: 88941-PK-0380**  
**VIOLATION DATE: 7/01/2022**  
**HEARD: 8/09/2022**

Fenisha Corp. d/b/a Schooner's Market ("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, August 9, 2022, regarding alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (3 Counts). Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigator Anderson's report.

The following documents are in evidence:

1. Investigator Anderson's Report;
2. ABCC Licensee Accela Summary
3. ABCC Form 43, Transfer of License Approval, 4/24/2013;
4. Photocopies of Fraudulent Massachusetts Driver's Licenses Confiscated;
5. Licensee's Stipulation of Facts with Caveat.

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

**FINDINGS OF FACT**

1. On Friday July 1, 2022, Investigators Bolcome, Gardner, and Anderson ("Investigators") conducted an inspection of Fenisha Corp. d/b/a Schooner's Market ("Licensee" or "Schooners Market") to determine the manner in which its business was being conducted.
2. At approximately 5:15 p.m., Investigators observed a Nissan Rogue car enter the parking lot of Schooners Market. Investigators observed a youthful appearing male individual exit the vehicle and enter the licensed premises. Investigators then observed the same male individual exit with what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.



3. Underage #1, actual date of birth, 2/23/2002 (age 20) was in possession of five 50-mililiter bottles of Ketel One vodka. Underage #1 stated he was not asked for identification when he purchased the alcoholic beverages.
4. At approximately 6:50 p.m., Investigators observed a Toyota Corolla car enter the parking lot of Schooners Market. Investigators observed a youthful appearing male individual exit the vehicle and enter the licensed premises. Investigators then observed the same male individual exit with alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
5. Underage #2, actual date of birth 8/17/2004 (age 17) was in possession of an 18-pack of Michelob Ultra beer. He provided to Investigators a fraudulent Massachusetts driver's license in his name with a different birth date. Underage #2 stated he was asked for identification and provided the fraudulent identification to the store clerk.
6. Based on their training and experience, Investigators determined that Underage #2's appearance was so youthful that a reasonable person should have known that he was not of lawful age to purchase alcohol.
7. At approximately 8:55 p.m., Investigators observed a Subaru Outback car enter the parking lot of Schooners Market. Investigators observed a youthful appearing male individual exit the vehicle, enter the licensed premises, and then exit the premises with what appeared to be alcoholic beverages.
8. Underage #3, actual date of birth 7/21/2004 (age 17) was in possession of a 10 50-mililiter bottles of Smirnoff Grape vodka and 20 50-mililiter bottles of Smirnoff Root Beer vodka. He provided to Investigators a fraudulent Massachusetts driver's license in his name with a different birth date, which he used to purchase the alcoholic beverages. Underage #3 informed Investigators he was asked for identification and provided the fraudulent license to the clerk.
9. Based on their training and experience, Investigators determined that Underage #3's appearance was so youthful that a reasonable person should have known that he was not of lawful age to purchase alcohol.
10. At approximately 9:15 p.m., Investigators entered the licensed premises and spoke with the clerk on duty. The clerk was informed of the above violations and that a report would be submitted to the Chief Investigator further action.
11. Kushal Savalia, Manager, appeared at the Commission hearing. The Commission was informed Mr. Savalia was unable to work on the night of the Investigator's inspection and an inexperienced friend filled-in. It was explained that the person filling-in mistakenly believed Underage #1 was someone he knew to be over twenty-one years old. He did request identification from Underage #2 and #3, and said identifications scanned as legitimate. The Licensee has since implemented new policies which include requesting a 2<sup>nd</sup> government-issued photo identification from anyone under twenty-five (25) years old, and purchasing a new scanner.



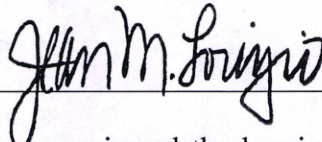
12. The Licensee has held a license under M.G.L. c. 138, § 15 since 2016 with no prior violations.

### 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, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (3 Counts). Therefore, the Commission **suspends the license for a period of 4 days.**

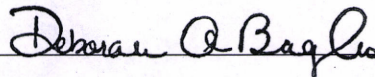
### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



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

Deborah Baglio, Commissioner



Dated: August 26, 2022

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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2022-000137-ad-enf

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