



*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 13, 2020

**M.Z. ENTERPRISES INC. D/B/A FALMOUTH FOOD MART & LIQUOR
414 MAIN STREET, EAST FALMOUTH HWY
FALMOUTH, MA 02536
LICENSE#: 00088-PK-0390
VIOLATION DATE: 8/17/2019
HEARD: 12/10/2019**

After a hearing on December 10, 2019, the Commission finds M.Z. Enterprises Inc. d/b/a Falmouth Food Mart & Liquor 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).

The Commission **suspends the license for a period of one (1) day to be served.**

The suspension shall be served on Monday, March 2, 2020. The license shall be delivered to the Local Licensing Board or its designee on Monday, March 2, 2020 at 9:00 a.m. It will be returned to the licensee on March 3, 2020.

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 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。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Jamie Binienda, Investigator
Mark Kenny, Investigator
Lisa Watson, Investigator
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**M.Z. ENTERPRISES INC. D/B/A FALMOUTH FOOD MART & LIQUOR
414 MAIN STREET, EAST FALMOUTH HWY
FALMOUTH, MA 02536
LICENSE#: 00088-PK-0390
VIOLATION DATE: 8/17/2019
HEARD: 12/10/2019**

M.Z. Enterprises Inc. d/b/a Falmouth Food Mart & Liquor (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, December 10, 2019, 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 Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Investigative Report;
2. Licensee Stipulation of Facts;
3. Copy of License Transfer Approval, 10/20/2014;
4. ABCC Decision, 5/9/2017.

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

FINDINGS OF FACT

1. On Saturday, August 27, 2019, at approximately 5:30 p.m., Investigators Kenny, Watson, and Binienda ("Investigators") conducted an investigation of the business operation of M.Z. Enterprises Inc. d/b/a Falmouth Food Mart & Liquor to determine the manner in which its business was being conducted.
2. Investigators parked their vehicle outside the premises to make observations. Investigators observed a youthful appearing male individual exit the driver's side of a parked motor vehicle and enter the store.

3. Shortly thereafter, this male individual exited the store in possession of alcoholic beverages. He placed the alcoholic beverages in the back seat of the motor vehicle. Another youthful looking individual was seated in the passenger seat of the vehicle.
4. Investigators identified themselves and asked to see proof of legal age.
5. Underage #1, actual date of birth 2/3/1999 (age 20), was in possession of a 12-pack of White Claw Hard Seltzer and a 24-ounce can of Blue Mood beer. The underage male stated that he used a fraudulent Pennsylvania driver's license to purchase the alcoholic beverages.
6. The passenger of the vehicle was properly identified, and she was also under twenty-one years of age.
7. Investigators entered the licensed premises and spoke to the clerk on duty, Shabi Gurung, and the owner, Mingma Sherpa. Investigators showed them the fraudulent driver's license and advised the minor was only 20 years of age.
8. Investigators informed Mr. Sherpa of the violation, and that a report would be filed with the Chief Investigator for further action.
9. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2014 with one prior violation of M.G.L. C. 138, § 34 in 2016.
10. After the violation in 2016, the Licensee invested in a scanner but was in the process of updating it when this incident occurred.

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 to be served.


ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



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

Jean M. Lorizio, Chairman



Dated: January 13, 2020

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

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Jamie Binienda, Investigator
Mark Kenny, Investigator
Lisa Watson, Investigator
Administration, File