



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**FOXBOROUGH COUNTRY STORE INC. D/B/A THE COUNTRY STORE
212 NORTH STREET
FOXBOROUGH, MA 02035
LICENSE#: 00010-PK-0426
VIOLATION DATE: 6/19/2020
HEARD: 10/12/2021**

Foxborough Country Store Inc. d/b/a The Country Store (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, October 12, 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 (4 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Gould's Report.

The following documents are in evidence:

1. Investigator Gould's Investigative Report;
2. ABCC Form 43, License Transfer Approval, 12/10/2015;
3. ABCC Decision, 2/18/2021;
4. Photocopy of Fraudulent Identifications confiscated;
5. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, June 19, 2020, at approximately 7:15 p.m., Investigators Gardner, Keefe and Gould ("Investigators"), conducted an investigation of the business operation of Foxborough Country Store Inc. d/b/a The Country Store to determine the manner in which its business was being conducted.
2. While outside the licensed premises, Investigators observed a vehicle driven by a male individual pull into the parking lot.
3. Investigators observed the youthful appearing male exit the vehicle and enter the establishment. Minutes later, the male exited the licensed premises in possession of alcoholic beverages.

4. Investigators approached the male, identified themselves and asked to see proof of legal age.
5. The youthful looking male, Underage #1, actual date of birth 11/12/2000 (age 19), was in possession of one 12-pack of Corona [Hard] Seltzer, a malt beverage. Underage #1 informed Investigators he was not asked for identification inside the store.
6. Investigators remained in the parking lot near the dumpsters, out of view from the storefront. At approximately 7:40 p.m., Investigators observed a vehicle driven by a male individual pull into the parking lot.
7. Investigators observed a youthful male exit the vehicle and enter the store. Minutes later, the male exited the licensed premises in possession of alcoholic beverages. Investigators approached the male, identified themselves and asked to see proof of legal age.
8. The youthful looking male, Underage #2, actual date of birth 12/07/2000 (age 19), was in possession of one 18-pack of Busch Light beer. He provided to Investigators a fraudulent Rhode Island driver's license. Underage #2 stated to Investigators that he was not asked for identification inside the store.
9. Investigators continued to make observations from the parking lot. At approximately 7:50 p.m., they observed a vehicle pull into the parking lot and saw a youthful appearing male individual exit the rear passenger seat and enter the premises. Minutes later, Investigators observed the same youthful male individual exit the store in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
10. The youthful appearing male, Underage #3, actual date of birth 8/02/2002 (age 17), was in possession of one 18-pack of Twisted Tea malt beverage. He provided to Investigators a fraudulent Connecticut driver's license. Underage #3 stated that as he attempted to show his identification to the clerk at the cash register, the clerk told him that he was "all set" and completed the sale.
11. At approximately 8:50 p.m., Investigators observed a vehicle pull into the parking lot, saw a youthful appearing male exit the vehicle and enter the premises. Minutes later, Investigators observed the same male exit the store in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
12. The youthful appearing male, Underage #4, actual date of birth 5/22/2001 (age 19), was in possession of one 18-pack of Natural Light beer. He informed Investigators he was asked for identification inside the store and produced to the clerk a fraudulent New Jersey driver's license. Underage #4 provided Investigators his true Massachusetts driver's license.
13. Investigators entered the licensed premises and spoke to Niyal Patel and his wife Krupaben Patel. Investigators informed them of the violations and that a report would be submitted to the Chief Investigator for further action.
14. Neal Patel, Licensee, and his wife, Krupaben Patel, Manager of Record, appeared at the Commission hearing. The Commission was informed as to measures taken to ensure patrons under 21 are not allowed to purchase alcoholic beverages. The Licensee's

employees have all received TIPS Certification, all patrons who appear to be under 40 years of age are required to produce identification and a scanner was purchased to aid in examining identification.

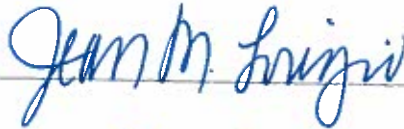
15. The Licensee has held a license under M.G.L. c. 138, § 15 since 2015 with one prior violation.

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 (4 counts). Therefore, the Commission **suspends the license for a period of six (6) days which are hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

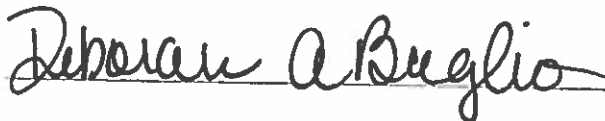
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: November 10, 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
Brian Gould, Investigator
Robert Gardner, Investigator
Dennis Keefe, Investigator
Gregory Demakis, Esq.
Administration, File