



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**LANITA CORPORATION D/B/A FRAMINGHAM LIQUORS
1 MARBLE STREET
FRAMINGHAM, MA 01701
VIOLATION DATE: 6/27/2019
HEARD: 1/14/2020**

Lanita Corporation d/b/a Framingham Liquors (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, January 14, 2020, 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 (3 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report;
 2. Licensee Stipulation of Facts;
 3. Licensee's Transfer Application Approval, 3/23/2010.
- A. Licensee's Notice to Employees;
- B. List of Certified Employees with Copies of Employees' TIPS Certification Card, and the Alcohol Server Identifications issued by the City of Framingham.

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

FINDINGS OF FACT

1. On Thursday, June 27, 2019, Investigators Kenny and Teehan ("Investigators") conducted an investigation of the business operation of Lanita Corporation d/b/a Framingham Liquors to determine the manner in which its business was being conducted.
2. At approximately 8:40 p.m. while outside the licensed premises, Investigators observed a youthful appearing male exit the store with a bottle of Svedka vodka and a bottle of Tito's vodka. Investigators identified themselves and asked to see proof of legal age.

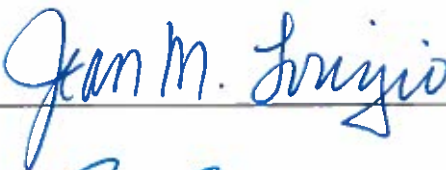
3. Underage #1, actual date of birth 1/3/2000 (age 19), stated to Investigators that he was not asked for any identification to purchase the alcoholic beverages.
4. At approximately 9:10 p.m. while outside the licensed premises, Investigators observed two youthful appearing females exit the store, each carrying a bag with two bottles of wine. Investigators identified themselves and asked to see proof of legal age.
5. Underage #2, actual date of birth 6/7/2000 (age 19), stated to Investigators that she was not asked for any identification to purchase the alcoholic beverages.
6. Underage #3, actual date of birth 11/12/1999 (age 20), stated to Investigators that she was not asked for any identification to purchase the alcoholic beverages.
7. Investigators informed the clerk on duty, and later the assistant manager, Robert Anspach, of the violations, and that a report would be filed with the Chief Investigator for further action.
8. Nitexa Patel, Principle of the Licensee Corporation and License manager, appeared at the Commission hearing with Mr. Anspach, her assistant manager. They testified that they request identification from every patron, and they have an identification scanner which they update regularly. All employees are TIPS trained and they were re-certified after this incident.
9. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2010 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: M.G.L. Ch. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (3 counts). The Commission **issues a WARNING.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: January 24, 2020

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
Michael Teehan, Investigator
Mark Kenny, Investigator
Administration, File