

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

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

**DECISION**

**HEER CONVENIENCE INC. D/B/A NEW HOLLAND MARKET  
130 MASHAPAUG ROAD  
HOLLAND, MA 01521  
LICENSE#: 00006-PK-0536  
VIOLATION DATE: 4/11/2023  
HEARD: 9/05/2023**

Heer Convenience Inc. d/b/a New Holland 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, September 5, 2023, 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. Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigators Guarino and Fleming’s Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Guarino and Fleming’s Minimum Purchase Age Compliance Check Field Report, 4/11/2023;
2. ABCC Form 43, Transfer of License Approved, 2/5/2013;
3. Licensee’s Stipulation of Facts.

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

FINDINGS OF FACT

1. On Tuesday, April 11, 2023, at approximately 6:35 p.m., Investigators Fleming and Guarino (“Investigators”) conducted a compliance check at Heer Convenience Inc. d/b/a New Holland Market.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, a 24-ounce can of Bud Light beer, for three dollars and fourteen cents (\$3.14). The underage operative was not asked for identification.
3. Krishnakant Swadia, President of the Licensee entity, appeared at the Commission hearing.
4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2013 with no prior violations.

CONCLUSION

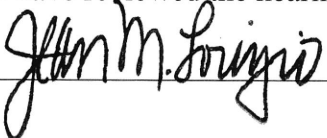
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Crystal Matthews, Commissioner 

Deborah A. Baglio, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman 

Dated: September 15, 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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2023-000092-ad-enf

- cc: Local Licensing Board
- Frederick G. Mahony, Chief Investigator
- Kyle E. Gill, Esq., Associate General Counsel
- Caroline Guarino, Investigator
- Sean Fleming, Investigator
- Administration, File