



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

DECISION

Kim J. Gainsboro, Esq.
Chairman

HOLYOKE MARKET INC. DBA HIGH STREET LIQUORS
648 HIGH STREET
HOLYOKE, MA 01040
LICENSE#: 054000076
VIOLATION DATE: 02/19/2015
HEARD: 05/12/2015

Holyoke Market Inc. dba High Street Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 12, 2015, regarding an alleged violation of M.G.L. c. 138, §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (2 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the violations alleged in Investigator Kujawski's Report.

The following documents are in evidence:

1. Investigator Kujawski's Investigative Report dated March 3, 2015;
2. Licensee's Stipulation of Facts;
3. CJIS Printout for S. G. [REDACTED]; and
4. CJIS Printout for K. B. [REDACTED].

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Thursday, February 19, 2015, at approximately 8:20 p.m., Investigators Keefe and Kujawski, (the "Investigators") investigated the business operation of Holyoke Market Inc. dba High Street Liquors to determine the manner in which the business was being conducted.
2. Investigators entered the licensed premises and observed two youthful appearing female individuals purchase alcoholic beverages.
3. Investigators observed the female clerk on duty place the alcoholic beverages into a black plastic bag, and take U.S. Currency from the females and place it in the cash register.
4. Investigators approached the youthful appearing female individuals and asked to see identification.
5. Kayla B. [REDACTED], actual date of birth 10/21/1996 (age 18) stated to Investigators that she has purchased alcoholic beverages from this establishment on previous occasions, and that she was not asked for proof of age for this purchase.
6. Ms. B. [REDACTED] purchased the following alcoholic beverages:
 - o 1 - 200 ml bottle Bacardi Dragon Berry Strawberry Rum;

- 1 – 1.75 liter bottle Bacardi Zombie party drinks;
 - 1 – 200 ml bottle Fireball Red Hot Whiskey;
 - 3 – 200 ml bottles Parrot Bay Tropical Rum Punch; and
 - 1 pint bottle Smirnoff Screwdriver.
7. The second female individual did not have any identification on her person but identified herself as Samantha G [REDACTED], actual date of birth 11/15/1996, (age 18).
8. Ms. G [REDACTED] stated to Investigators that she was not asked for proof of age for this purchase, which included:
- 1 – 50 ml bottle Fireball Red Hot Whiskey,
 - 1 – 200 ml bottle Parrot Bay Tropical Rum Punch, and
 - 1 – pint bottle Smirnoff Screwdriver.
9. The female clerk on duty, Rosa Rivera, stated that she did not ask either Ms. B [REDACTED] or Ms. G [REDACTED] for proof of age.
10. At the request of Investigators, Ms. Rivera contacted the owner by telephone.
11. Investigators informed the owner, Priya Parker, of the violation and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (2 Counts). Therefore the Commission **suspends the license for a period of nine (9) days of which nine (9) days will be held in abeyance for a period of two (2) years, provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman

Elizabeth A. Lashway, Commissioner

Dated: May 12, 2015

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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jan Kujawski, Investigator
Dennis Keefe, Investigator
Frank A. Caruso, Esq. via facsimile 413-781-8553
Administration
File