



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**TRAK II CONVENIENCE LLC D/B/A RACING MART FUELS
330 MAIN STREET
HOLYOKE, MA 01040
LICENSE#: 00074-PK-0540
VIOLATION DATE: 6/07/2023
HEARD: 11/07/2023**

Trak II Convenience LLC d/b/a Racing Mart Fuels ("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, November 7, 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, 6/7/2023;
2. ABCC Form 43, Transfer of License Approval, 11/21/2011;
3. Licensee Stipulation of Facts.
 - A. Photos of Signage inside Premises;
 - B. TIPS Certificates (6) of Licensee's Employees.

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

FINDINGS OF FACT

1. On Wednesday, June 7, 2023, at approximately 6:35 p.m., Investigators Fleming and Guarino ("Investigators") conducted a compliance check at Trak II Convenience LLC d/b/a Racing Mart Fuels.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, a 24-ounce bottle of Bud Light beer, for three dollars (\$3.00). The underage operative was not asked for identification.

3. Robert Kayrouz, Licensee Manager, appeared at the Commission hearing and testified all employees have since been TIPS re-certified and are continually reminded they must check identification.
4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2011 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

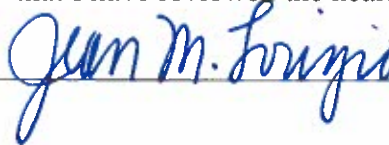


Deborah A. Baglio, Commissioner



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

Jean M. Lorizio, Chairman



Dated: January 2, 2024

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.

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。
यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए
Dokiman sa a enpòtan epi li ta dwe tradwi touswit
'Đây là tài liệu quan trọng và cần được dịch ngay'
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2023-000109-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino, Investigator
Sean Fleming, Investigator
Thomas J. Rooke, Esq.
Administration, File