



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 28, 2023

**RANI CORP. D/B/A JUBINVILLE PACKAGE STORE
370 MAIN STREET
HOLYOKE, MA 01040
LICENSE#: 00079-PK-0540
VIOLATION DATE: 2/17/2022
HEARD: 6/21/2022**

After a hearing on June 21, 2022, the Commission finds Rani Corp. d/b/a Jubinville Package Store violated M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). The Commission **suspends the license for a period of three (3) days to be served.**

The suspension shall commence on Monday, April 24, 2023, and terminate on Wednesday, April 26, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, April 24, 2023, at 9:00 A.M. It will be returned to the licensee on April 27, 2023.

You are advised that pursuant to the provisions of M.G.L. c. 138 § 23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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។

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Brian Gould, Investigator
John David, Investigator
Sean Fleming, Investigator
Dennis Keefe, Investigator
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**RANI CORP. D/B/A JUBINVILLE PACKAGE STORE
370 MAIN STREET
HOLYOKE, MA 01040
LICENSE#: 00079-PK-0540
VIOLATION DATE: 2/17/2022
HEARD: 6/21/2022**

Rani Corp. d/b/a Jubinville Package 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, June 21, 2022, regarding an alleged violation of M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count).

The following documents are in evidence:

1. Investigator Gould's Violation Report;
2. ABCC Form 43, License Transfer Approval, 2/24/1999;
3. ABCC Decision, 3/24/2009;
4. ABCC Decision, 5/27/2022;
5. ABCC Decision, 5/31/2022.

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

FINDINGS OF FACT

1. On Thursday, February 17, 2022, at approximately 7:55 p.m., Investigators David, Fleming, Keefe, and Gould ("Investigators") inspected the business operation of Rani Corp. d/b/a Jubinville Package Store to determine the way its business was being conducted. (Testimony, Exhibit 1)
2. While outside the establishment, Investigators observed a vehicle occupied by two youthful appearing male individuals pull into the parking lot of the licensed premises. One male exited the vehicle and entered the licensed premises. Investigators observed the same male exit the store in possession of alcoholic beverages. Id.

3. Investigators approached the male individual, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages. Id.
4. Underage #1, actual date of birth 10/4/2001 (20 years old), was in possession of a case of Stella Artois beer. Investigators confiscated the case of beer. Id.
5. Investigators entered the licensed premises and spoke with the employee on duty, Parth Patel. Underage #1 identified Mr. Patel as the individual who sold him the beer. Id.
6. Investigators informed Mr. Patel of the violation and that a report would be filed with the Chief Investigator for further action. Id.
7. Mr. Patel appeared at the Commission hearing and testified he was familiar with Underage #1 as he had been in the store on previous occasions and had produced identification as well as a debit card as back-up. Mr. Patel stated he has purchased a scanner to assist in assessing identifications. (Testimony)
8. The Licensee has held a license under M.G.L. c. 138, § 15 since 1999 with three prior violations. (Testimony, Exhibits 2, 3, 4, 5)

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm'n, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was “enacted ... to serve the public need and ... to protect the common good.” M.G.L. c. 138, §23. “[T]he purpose of discipline is not retribution, but the protection of the public.” Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given “comprehensive powers of supervision over licensees.” Connolly, 334 Mass. at 617.

The Licensee is charged with a violation of Massachusetts General Law Chapter 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). M.G.L., Chapter 138, §34 states, in pertinent part, that: “[w]hoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under twenty-one years of age ... shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both.” M.G.L. c. 138, § 34. Massachusetts General Laws, Chapter 138, § 34B offers protection from license suspension or revocation or criminal penalties to license holders who reasonably rely on one of the types of identification specified in the statute, including a valid Massachusetts driver’s license, Massachusetts liquor identification card, Massachusetts identification card, a United States passport, or a passport issued by the government – recognized by the United States – of a foreign country, a passport card for a U.S. passport, or a valid U.S. military identification card. See M.G.L. c. 138, § 34B.

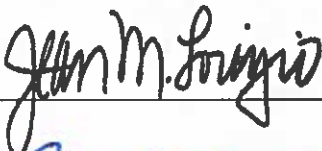
Direct evidence was presented through the testimony of Investigator Gould as to his observations and interaction with Underage #1 and the Licensee. Underage #1 admitted to the Investigator that he was under the age of twenty-one. The Licensee argued Underage #1 had produced identification in the past. However, there was no evidence presented as to the reasonableness of the Licensee's reliance on an identification.

The Commission is persuaded by the evidence that Rani Corp. d/b/a Jubinville Package Store sold alcoholic beverages to a person who was under twenty-one years of age. The Commission finds that the Licensee committed a violation of M.G.L. c. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count).


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 (21) years of age (1 Count). Therefore, the Commission **suspends the license for a period of three (3) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman 

Crystal Matthews, Commissioner 

Deborah Baglio, Commissioner 

Dated: February 28, 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.

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។

2022-000060-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Brian Gould, Investigator
John David, Investigator
Sean Fleming, Investigator
Dennis Keefe, Investigator
Administration, File