



*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: 11/12/2020
HEARD: 10/26/2021**

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, October 26, 2021, 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 above-mentioned occurred November 12, 2020, according to Investigator Gould's Report.

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.

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

FINDINGS OF FACT

1. On Thursday, November 12, 2020, at approximately 6:20 p.m., Investigators Kujawski and Gould ("Investigator") conducted an inspection of the business operation of Rani Corp. d/b/a Jubinville Package Store to determine the manner in which its business was being conducted.
2. While outside the licensed premises, Investigators observed a vehicle with two youthful appearing male individuals pull into the parking lot of the licensed premises and park directly in front of the store. Investigators observed one of the males exit the vehicle and enter the store. Minutes later Investigators observed the same male individual exit the premises in possession of plastic bag. Investigators identified themselves and asked to see proof of legal age.

3. Underage #1, actual date of birth 3/01/2002 (age 18), was in possession of six (6) miniature bottles, also known as nips, of Smirnoff Root Beer flavored vodka. He presented to Investigators his genuine Massachusetts Junior Operator's driver's license. Underage #1 told Investigators he was not asked for identification inside the store.
4. Investigators entered the licensed premises and spoke to the clerk on duty and Licensee, Parth Patel. Investigators confirmed with Underage #1 that Mr. Patel sold him the alcoholic beverages.
5. Investigators informed Mr. Patel of the violation and that a report would be filed with the Chief Investigator for further action.
6. Mr. Patel appeared at the Commission hearing and testified that Investigator Gould's report was accurate. He stated Underage #1 had been in the store on a prior occasion and had produced a Connecticut license indicating he was 21. Mr. Patel testified his strict mask policy made things difficult.
7. The Licensee has held a license under M.G.L. c. 138, § 15 since 1999 with one prior violation.

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 138, § 34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Massachusetts General Laws, 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. The evidence in this matter shows the underage patron was not asked to produce identification.

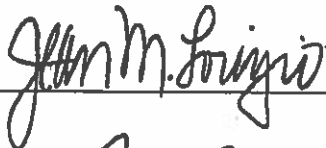
The Commission is persuaded by the evidence that Rani Corp. sold alcoholic beverages to a person who was under twenty-one years of age. The Commission finds that the Licensee committed a violation of M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years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

CONCLUSION

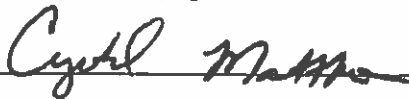
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). Therefore, the Commission **suspends the license for a period of 2 days which are hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

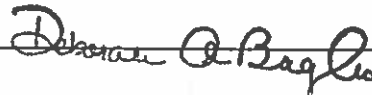
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: May 27, 2022

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
Brian Gould, Investigator
Jan Kujawski, Investigator
Administration, File