

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

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

NOTICE OF SUSPENSION

June 11, 2025

**DADDYS VENTURES INC. D/B/A DADDY'S DRY DOCK  
280 NANTASKET AVENUE  
HULL, MA 02045  
LICENSE#: 00022-RS-0554  
VIOLATION DATE: 7/11/2023  
HEARD: 2/06/2024**

After a hearing on February 6, 2024, the Commission finds Daddys Ventures Inc. d/b/a Daddy's Dry Dock violated M.G.L. Ch. 138, § 23 Unlawful Purchase: No license issued under §§ 12, 14, or 15 and no certificate of fitness under § 30 shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under §§ 18, 19, or 19F or 19C or from a holder of a special permit to sell issued under § 22A;

The Commission **SUSPENDS the license for a period of two (2) days to be served.**

**The suspension shall commence on Monday, July 28, 2025, and terminate on Tuesday, July 29, 2025..** The license will be delivered to the Local Licensing Board or its designee on Monday, July 28, 2025, at 9:00 A.M. It will be returned to the licensee on July 30, 2025.

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.

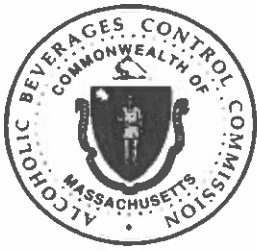
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio  
Chairman

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2023-000271-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Robert Gardner, Investigator  
Nicole Terasconi, Investigator  
John P. Connell, Esq.  
Administration, File



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*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3*  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**DADDYS VENTURES INC. D/B/A DADDY'S DRY DOCK**  
**280 NANTASKET AVENUE**  
**HULL, MA 02045**  
**LICENSE#: 00022-RS-0554**  
**VIOLATION DATE: 7/11/2023**  
**HEARD: 2/06/2024**

Daddys Ventures Inc. d/b/a Daddy's Dry Dock (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, February 6, 2024, regarding the following alleged violations which occurred on July 11, 2023, according to Investigator Gardner's Report:

- 1) M.G.L. Ch. 138, § 23 Unlawful Purchase: No license issued under §§ 12, 14, or 15 and no certificate of fitness under § 30 shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under §§ 18, 19, or 19F or 19C or from a holder of a special permit to sell issued under § 22A;
- 2) M.G.L. Ch. 138, § 16 Possession on the licensed premises by any licensee referred to in the section of any alcoholic beverage differing in composition or alcoholic content from such beverage when received from the manufacturer or wholesaler and importer from whom it was purchased, except cocktails and other mixed drinks as hereinbefore authorized, shall be prima facie evidence that the said beverage has been diluted, changed or tampered with in violation of this section;
- 3) 204 CMR 2.07 The substitution of any alcoholic beverages of a kind or brand different from that ordered by a purchaser is prohibited unless it is done with the consent of the person or licensee making the purchase.

The following documents are in evidence:

1. Investigator Gardner's Report;
2. Photographs of Storage room;
3. Photograph of Funnels found in Storage room;
4. Photographs of Empty 1.75-liter Liquor bottles;
5. Photographs of Alcohol Confiscated;
6. Photographs of Alcohol bottles with Worn Labels;

7. Photograph of 1.75 liter Bottle of Tito's Vodka with Price Sticker;
8. Photographs of Alcoholic Purchased from Unauthorized Sources;
9. Photographs of Alcoholic Beverage Receipts Observed on Licensed Premises;
10. Photographs of Alcoholic Beverage Receipts Provided by Jeffrey Lemkin;
11. ABCC Form 43, Transfer of License Approval, 1/13/2010.

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

#### FINDINGS OF FACT

1. On Tuesday, July 11, 2023, Investigators Terasconi and Gardner ("Investigators"), inspected the business operation of Daddys Ventures Inc. d/b/a Daddy's Dry Dock ("Licensee") to investigate a complaint filed with this Commission. (Testimony, Exhibit 1)
2. Investigators entered the licensed premises, spoke to Jeffrey Lemkin, manager of record, and informed him of the complaint. Id.
3. A 1.75-liter bottle of Tito's Vodka found in the storage room had a retail price sticker on it. (Testimony, Exhibits 1, 6, 7)
4. Mr. Lemkin provided receipts for purchases made at several different \$ 15 retail package stores, dated from June 3, 2023 through July 11, 2023. (Testimony, Exhibits 1, 9, 10)
5. Investigators confiscated alcoholic beverages which they believed had been purchased from \$ 15 retail package stores. (Testimony, Exhibits 1, 5, 7, 9, 10)
6. Investigators advised Mr. Lemkin that a violation report would be filed with the Chief Investigator for further review. (Testimony, Exhibit 1)
7. Mr. Lemkin appeared at the Commission hearing. (Commission Records)
8. The Licensee has held a license under M.G.L. c. 138, § 12 since 2010. (Exhibit 11)

#### 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 "[r]egulation of the liquor industry in Massachusetts is comprehensive and pervasive." Cellarmaster Wines of Mass., Inc. v. Alcoholic Beverages Control Comm'n. 27 Mass. App. Ct. 25, 27, 534 N.e.2d 21 (1989); see Miller Brewing Co. v. Alcoholic Beverages Control Comm'n. 56 Mass. App. Ct. 801, 808-809 (2002). "Massachusetts law requires that alcohol products sold in this State by manufacturers or suppliers be sold initially to licensed Massachusetts wholesalers. Those wholesalers in turn sell to retailers who sell to consumers. G.L.c. 138 §§12, 15, 18, 18B, 19." Heublein, Inc. v. Capital Distributing Co., 434 Mass. 698, 699 (2002); see Miller Brewing Co., 56 Mass. App. Ct. at 808-809.

The Licensee is charged with a violation M.G.L. c. 138, § 23 - No license issued under §§ 12, 14, or 15 and no certificate of fitness under § 30 shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under §§ 18, 19, or 19F or 19C or from a holder of a special permit to sell issued under § 22A.

Direct evidence was presented through the testimony of Investigators who observed on the licensed premises, one bottle of an alcoholic beverage with a price sticker indicating it had been purchased from a retail package store. (Exhibits 1, 7) The Licensee provided Investigators with receipts for purchases of alcoholic beverages from § 15 retail package stores. (Exhibits 9, 10)

"Possession on the licensed premises by any licensee under this chapter of any alcoholic beverages or alcohol not authorized to be sold or used under the terms of his license shall be prima facie evidence that such beverage or alcohol is kept for sale in violation of this chapter." M.G.L. c. 138, § 30H.

The Licensee purchased alcoholic beverages from an unauthorized source and said alcoholic beverages were found on the licensed premises. As such, the Commission finds the Licensee violated M.G.L. c. 138, § 23.

The Licensee is also charged with violations of:

M.G.L. c. 138, § 16 – Possession on the licensed premises by any licensee referred to in the section of any alcoholic beverage differing in composition or alcoholic content from such beverage when received from the manufacturer or wholesaler and importer from whom it was purchased, except cocktails and other mixed drinks as hereinbefore authorized, shall be prima facie evidence that the said beverage has been diluted, changed or tampered with in violation of this section; and

204 CMR 2.07 - The substitution of any alcoholic beverages of a kind or brand different from that ordered by a purchaser is prohibited unless it is done with the consent of the person or licensee making the purchase.

No direct evidence was presented as to either of these charges. There is no substantial evidence of any alcoholic beverage on the licensed premises which differed in composition or alcoholic content from those received from the manufacturer or wholesaler, and no evidence was presented of any purchase or order being made by a patron.

While the Investigative and Enforcement Division presented photographic evidence of what they observed on the licensed premises (Exhibits 3, 4, 5, 6) and the Investigator testified as to what he believed the evidence shows, the charges have not been proved by legally competent evidence and the Commission finds the Licensee did not violate M.G.L. c. 138, § 16 and 204 CMR 2.07.

Based on the evidence, the Commission finds the Licensee violated:

- 1) M.G.L. Ch. 138, § 23 Unlawful Purchase: No license issued under §§ 12, 14, or 15 and no certificate of fitness under § 30 shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under §§ 18, 19, or 19F or 19C or from a holder of a special permit to sell issued under § 22A.

Therefore, the Commission **suspends the license for a period of two (2) days to be served.**

The Commission finds NO VIOLATION regarding:

- 2) M.G.L. Ch. 138, § 16 Possession on the licensed premises by any licensee referred to in the section of any alcoholic beverage differing in composition or alcoholic content from such beverage when received from the manufacturer or wholesaler and importer from whom it was purchased, except cocktails and other mixed drinks as hereinbefore authorized, shall be prima facie evidence that the said beverage has been diluted, changed or tampered with in violation of this section.
- 3) 204 CMR 2.07 The substitution of any alcoholic beverages of a kind or brand different from that ordered by a purchaser is prohibited unless it is done with the consent of the person or licensee making the purchase.

#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



I, the undersigned, have listened to the Commission record.

Jean M. Lorizio, Chairman



Dated: June 4, 2025

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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