

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

January 9, 2012

DISCOUNT LIQUOR MART, INC. DBA QUALITY BRANDS LIQUORS
103-109 BROADWAY
LAWRENCE, MA 01841
LICENSE # 0594-00099
HEARD 12/13/2011

After a hearing on December 13, 2011, the Commission finds Discount Liquor Mart, Inc. dba Quality Brands Liquors in violation of M.G.L. c.138, §15 and M.G.L. c. 140 §177A.

The Commission **suspends the licensee's license for a total of four (4) days to be served.** The suspension shall commence on **Wednesday, February 22, 2012 and terminate on Saturday, February 25, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 22, 2012 at 9:00 A.M. It will be returned to the licensee Sunday, February 26, 2012.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Wendy Y. Estrelia, Esq. via facsimile
Administration
File



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DECISION

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Discount Liquor Mart, Inc. dba Quality Brands Liquors (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 13, 2011, regarding an alleged violation of M.G.L. c. 138 §15 and M.G.L. c. 140 §177A. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's Report.

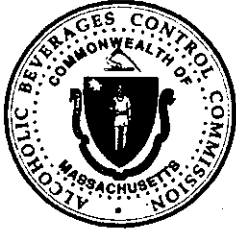
The following documents and physical items are in evidence:

1. Licensee's Stipulation of Fact as to violation of M.G.L. c. 140 §177A – Failure to Have Automatic Devices Licensed;
2. Investigative Report of Brad Doyle dated September 16, 2011;
3. Licensee's Register Receipt dated 9/16/2011 showing Time of Sale; and
4. Johnny's Lucky Time Phone Card.

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

FACTS

1. On Friday September 16, 2011, at approximately 10:55 p.m., Chief Investigator Mahony and Investigators Bailey and Doyle investigated the business operation of Discount Liquor Mart, Inc. dba Quality Brands Liquors to determine the manner in which their business was conducted.
2. Investigators parked in front of the licensed premises.
3. At approximately 11:01 p. m., investigators observed a patron enter the package store.
4. Investigators Bailey and Doyle entered the package store at approximately 11:03 p. m.
5. Investigators observed the clerk on duty, later identified as Mr. V. Patel, ring up a sale at approximately 11:05 p. m. of one (1) 750ml bottle of Parrot Bay Rum; cost fourteen dollars and ninety-nine cents (\$14.99).
6. The licensee testified that the cash register receipt was inaccurate, and that it did not report the correct time.
7. Investigator Doyle testified that both he and Investigator Bailey checked the time on their respective cell phones. They each observed the time to be after 11:00 p. m. when the sale was conducted.



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The following documents and physical items are in evidence:

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8. The licensee testified that he was not present during the incident, nor were any employees present at the hearing who witnessed the incident.
9. Investigators identified themselves and informed Mr. Patel that sales are only permitted until 11:00 p. m.
10. Investigators observed an automatic amusement device on a wall near the coolers.
11. Investigators questioned Mr. Patel about the device.
12. Mr. Patel stated the device had been on the licensed premises for approximately three (3) weeks.
13. Mr. Patel stated the device was owned by "Johnny from Lucky Time Phone Cards."
14. Mr. Patel stated that if a person won credits on the device, the person would call, "Johnny."
15. Mr. Patel stated that, "Johnny", would come to the licensed premises the next day to check the machine.
16. Mr. Patel stated that, "Johnny", would then pay the person for their credits won.
17. Investigators inspected the electronic video device.
18. Investigators observed that the device had characteristics which, based on their training and experience, indicated the machine was utilized as a gambling device.
19. Investigators observed that the machine accepted dollar bills ranging from one (\$1), five (\$5), ten (\$10), and twenty (\$20).
20. Investigators observed the machine had a "knock off" button, on the rear left side of the device, to reset the credits to zero (0).
21. Investigators inserted a one (\$1) dollar bill into the machine and received four (4) credits, valued at twenty-five (.25) cents per credit.
22. Investigators played one (1) credit, leaving three (3) credits remaining.
23. Investigators pressed the "knock off" button and the credits remaining reset to zero (0).
24. Investigators asked Mr. Patel to see the license permitting the automatic amusement device on the licensed premises.
25. Mr. Patel was unable to provide said license to investigators.
26. Investigators notified Mr. Patel of the violations.
27. Investigators informed Mr. Patel a violation report would be filed with the Commission for further action.
28. Administrative review of the licensee's files indicates the licensee has held this license since December 2006. The licensee has one prior violation from the Lawrence Licensing Board for "Sale to a Minor", for which the licensee received a three (3) day suspension in May of 2011.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §15 and M.G.L. c. 140 §177A. Therefore, the Commission **suspends the license for six (6) days, of which four (4) days will be served and two (2) 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

Kathleen McNally, Commissioner

Kathleen McNally

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

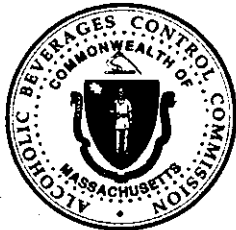
Susan Corcoran, Commissioner

Susan Corcoran

Dated: January 9, 2012

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
Brad Doyle, Investigator
Wendy Y. Estrelia, Esq. via facsimile
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