

*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

October 23, 2013

**SHREE MAHAVIR CORP DBA SWEENEY'S PACKAGE STORE**  
**90 ESSEX ST**  
**LAWRENCE, MA 01840**  
**LICENSE#: 059400100**  
**VIOLATION DATE: 05/17/2013**  
**HEARD: 09/24/2013**

After a hearing on September 24, 2013, the Commission finds Shree Mahavir Corp. dba Sweeney's Package Store in violation of:

- 1) 204 CMR 2.05(2)-Permitting an illegality on the licensed premises, to wit: c. 138 §23 Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special permit under §22A; and
- 2) M. G. L. c. 138 §63A Hindering or Delaying an Investigator of the Commission.

The Commission **suspends the licensee's license for a total of thirty-two (32) days to be served. The suspension shall commence on Wednesday, December 11, 2013, and terminate on Thursday, January 9, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, December 11, 2013 at 9:00 A.M. It will be returned to the licensee Friday, January 10, 2014.

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.

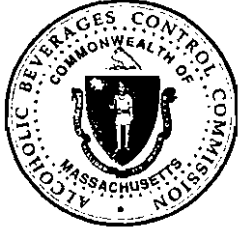
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Caroline Guarino, Investigator  
Robert F. Kelley, Esq. via facsimile 978-975-1658  
File

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**DECISION**

**SHREE MAHAVIR CORP DBA SWEENEY'S PACKAGE STORE**  
**90 ESSEX ST**  
**LAWRENCE, MA 01840**  
**LICENSE#: 059400100**  
**VIOLATION DATE: 05/17/2013**  
**HEARD: 09/24/2013**

Shree Mahavir Corp. dba Sweeney's Package Store (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September 24, 2013, regarding an alleged violation of:

- 1) 204 CMR 2.05(2)-Permitting an illegality on the licensed premises, to wit: c. 138 §23 Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special permit under §22A; and
- 2) M. G. L. c. 138 §63A Hindering or Delaying an Investigator of the Commission.

Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Guarino's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Guarino's Investigative Report dated May 17, 2013;
3. One Case [28-pack] of Sam Adams beer (empty); and
4. One Case [28-pack] of Sam Adams beer (full).

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

FACTS

1. On Friday, May 17, 2013, at approximately 1:00 p.m., Investigators Hooton and Guarino investigated the business operation of Shree Mahavir Corp. dba Sweeney's Package Store to determine the manner in which their business was being conducted, and to investigate a complaint filed with this Commission.
2. The complaint was filed by Richard Tatelman of Merrimack Valley Distributing Co., a licensed wholesaler of Danvers, MA. Merrimack Valley Distributing Co. is the exclusive distributor of Sam Adams beer. It does not sell Sam Adams beer in 28-packs.
3. An employee of Merrimack Valley Distributing Co. viewed a 28-pack of Sam Adams beer on the licensed premises and reported his sighting to Mr. Tatelman.

4. Investigators entered the licensed premises and identified themselves to a male individual, Yatin Patel, who said he was the owner.
5. Investigators advised Mr. Patel of the complaint.
6. Mr. Patel stated that he did not have any 28-packs of Sam Adams beer in his store, and that he has not gone to New Hampshire to purchase any alcoholic beverages.
7. Investigators performed a brief inspection of the back storage room.
8. Mr. Patel again said, "Look, nothing here."
9. Investigators advised that they would contact the wholesaler to inquire where the employee had seen the alcoholic beverages.
10. Both investigators were in the area of the front cash register.
11. While Investigator Guarino was on the telephone speaking to Mr. Tatelman, Investigator Hooton observed that Mr. Patel was no longer with them.
12. Investigator Hooton walked into the backroom area and he observed Mr. Patel in the bathroom, hiding a 28-pack case of Sam Adams beer.
13. Investigator Hooton also observed Mr. Patel trying to hide an empty 28-pack case of Sam Adams beer.
14. It should be noted that the licensee admitted that he breaks up the 28-pack and sells them as single cans.
15. Investigators confiscated the alcoholic beverages as well as the empty case carton as evidence.
16. Investigators informed Mr. Patel of the violation and that a report would be submitted to the Chief Investigator for review.

#### CONCLUSION

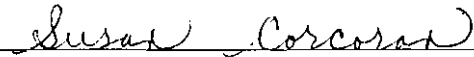
Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.05(2)-Permitting an illegality on the licensed premises, to wit: c. 138 §23 Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special permit under §22A; and
- 2) M. G. L. c. 138 §63A Hindering or Delaying an Investigator of the Commission.

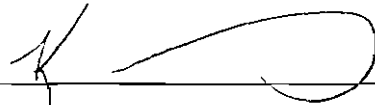
For violating 204 CMR 2.05(2) : c. 138 §23, the Commission **suspends the license for nine (9) days of which two (2) days will be served and seven (7) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

For violating M. G. L. c. 138 §63A, the Commission **suspends the license for thirty (30) days to be served. The licensee will serve a total thirty-two (32) days.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner 

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

Kim S. Gainsboro, Chairman 

DATE: October 23, 2013

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
- Caroline Guarino, Investigator
- Timothy Hooton, Investigator
- Robert F. Kelley, Esq. via facsimile 978-975-1658
- Administration
- File