

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Tel. (617) 727-3040
Fax: (617) 727-1510

Jean M. Lorizio, Esq.
Chairman

DECISION

MELO'S LIQUORS INC. D/B/A LEOMINSTER LIQUOR MART
531 NORTH MAIN STREET
LEOMINSTER, MA 01453
LICENSE#: 0608-00056
VIOLATION DATE: 8/13/2018
HEARING DATE: 9/25/2018

Melo's Liquors Inc. d/b/a Leominster Liquor Mart (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 25, 2018, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Violation Report;
2. Licensee's Stipulation of Facts;
3. CJIS Printout for Minor; and
4. Copy of Fraudulent New Jersey Driver's License.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Monday, August 13, 2018, at approximately 7:15 p.m., Investigators Bailey and Doyle ("Investigators"), while conducting a compliance check of Melo's Liquors Inc. d/b/a Leominster Liquor Mart, witnessed a youthful appearing male individual exit the licensed premises with a 30-pack of Bud Lite beer, and walk towards a Hondo CRV motor vehicle.
2. Investigator Doyle approached the individual, identified himself, and asked to see proof of legal age.
3. The Underage male, actual date of birth 10/2/1999 (age 18) presented Investigators with a fraudulent New Jersey driver's license.

4. Investigators asked the Underage male if he were asked for identification prior to purchasing the beer. The minor stated that he was asked for identification and that he had purchased alcoholic beverages from this store prior to today.
5. Investigators entered the licensed premises with the underage male and spoke to the clerk on duty, Bryan Tejada.
6. Mr. Tejada stated that he had asked the underage for identification and scanned the identification presented prior to purchase. Tejada stated to Investigators that he had sold alcoholic beverages to the Underage male on several prior occasions this year.
7. Investigators informed Tejada of the violation and that a report would be submitted to the Chief Investigator for further action.

CONCLUSION

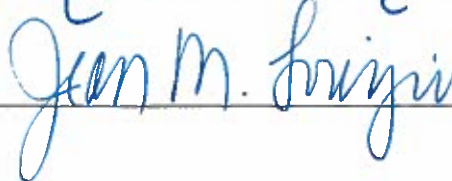
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for one (1) day which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Dated: September 26, 2018

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。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Rose Bailey, Investigator
Administration, File