



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**SHUKAN INC. D/B/A WESTERN AVENUE MARKET
108 WESTERN AVENUE
LYNN, MA 01905
LICENSE#: 0638-00132
VIOLATION DATE: 6/08/2019
HEARD: 10/22/2019**

Shukan Inc. d/b/a Western Avenue Market (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, October 22, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale of delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee Stipulation of Facts; and
3. Transfer of License Approval, 11/19/2013.

A. TIPS Certifications for Employees.

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

FINDINGS OF FACT

1. On Saturday, June 8, 2019, Investigators Wilichoski and Di Cicco ("Investigators") conducted an investigation of the business operation of Shukan Inc. d/b/a Western Avenue Market to determine the manner in which its business was being conducted.
2. At approximately 7:20 p.m., Investigators observed a motor vehicle occupied by five youthful appearing individuals enter the parking lot of the licensed premises.
3. Investigators observed one youthful individual enter the store and later exit the premises in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.

4. Underage #1, actual date of birth 4/17/2002 (age 17), was in possession of three large cans of Twisted Tea malt beverage and 3 large cans of Mike's Hard Lemonade. The underage male stated that he was not asked for identification when he purchased the alcoholic beverages.
5. Investigators entered the licensed premises and talked to the clerk on duty, Chintan Patel. Mr. Patel stated that he remembered the youthful individual but that he did not ask for identification.
6. Investigators informed Patel of the violation, and that a report would be filed with the Chief Investigator for review.
7. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2013 with no prior violations.

CONCLUSION

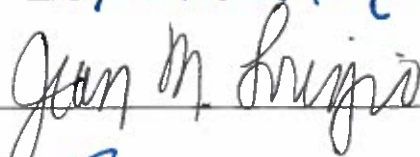
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale of delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: October 25, 2019

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
Joseph Di Cicco, Investigator
Caroline Wilichoski, Investigator
Gregory C. Demakis, Esq.
Administration, File