



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

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

**DECISION**

**HOPS AND MALTS LIQUOR INC. D/B/A DONOVAN'S  
449 BROADWAY SO.  
LYNNFIELD, MA 01940  
LICENSE#: 88973-PK-0640  
VIOLATION DATE: 5/24/2019  
HEARD: 8/13/2019**

Hops and Malts Liquor Inc. d/b/a Donovan's (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, August 13, 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 or delivery of an alcoholic beverage to a person under twenty-one (21) 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 Report;
  2. Licensee Stipulation of Fact;
  3. Receipt for Alcohol Purchase;
  4. Photocopy of Fraudulent Driver's License; and
  5. Copy of License Summary Report.
- A. Receipt for Purchase of Identification Scanner; and  
B. TIPS Training Certifications.

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

**FACTS**

1. On Friday, May 24, 2019, Investigators Keefe and Di Cicco ("Investigators") investigated the business of Hops and Malts Liquor Inc. d/b/a Donovan's.
2. At approximately 6:50 p.m., Investigators observed a motor vehicle, occupied by three youthful appearing individuals, enter the parking lot of the licensed premises.

3. Investigators observed one youthful appearing individual, enter the premises and later exit the premises in possession of alcoholic beverages which he placed in the motor vehicle.
4. Investigators approached the motor vehicle, identified themselves, and asked for proof of legal age.
5. Underage #1, actual date of birth 8/15/2000 (age 18) informed Investigators that he was not twenty-one years of age. He presented to Investigators a fraudulent Rhode Island driver's license that he had used to purchase the alcoholic beverages: a 375 ml bottle of Jose Cuervo tequila; a 750 ml bottle of Absolut vodka; and two small bottles of Tito's vodka.
6. The other youthful appearing individuals were properly identified. One was 18 years of age and the other individual was 17 years of age.
7. Investigators made contact with the parents of each of the underage individuals and informed them of the incident.
8. Later in the evening, Investigators entered the licensed premises and spoke with the clerk on duty, Jayendrakuma Patel. Investigators informed Patel of the violation and showed him the fraudulent identification used to purchase the alcoholic beverages.
9. Mr. Patel informed Investigators that he remembered the Underage individual. Patel stated that the premises has working security cameras, but he could not review the footage as he did not have the password. Patel stated that he would inform the owner of the incident and have him review the security footage.
10. Investigators informed Mr. Patel that a report would be submitted to the Chief Investigator for review.
11. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2017 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 or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. (1 Count). Therefore, the Commission **suspends the license for two (2) days 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: August 30, 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  
Dennis Keefe, Investigator  
Joe Di Cicco, Investigator  
Michael N. Barbadoro, Esq.  
Administration, File