



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

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

**NOTICE OF SUSPENSION**

August 24, 2022

**LYNNWAY LIQUOR MART INC. D/B/A LYNNWAY LIQUORS  
702 LYNNWAY  
LYNN, MA 01905  
LICENSE#: 00127-PK-0638  
VIOLATION DATE: 12/4/2019 to 1/22/2020  
HEARD: 3/24/2021**

After a hearing on March 24, 2021, the Commission finds Lynnway Liquor Mart Inc. d/b/a Lynnway Liquors violated:

- 1) M.G.L. c. 138, § 2 No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this Chapter: To Wit: M.G.L. c. 138, § 15: Unlawful Sale;
- 2) M.G.L. c. 138, § 18 – Acting as a wholesaler of alcoholic beverages without being properly licensed.

The Commission **suspends the license for a period of 30 days of which 15 days will be served and 15 days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

**The suspension shall commence on Monday, October 17, 2022, and terminate on Sunday, October 31, 2022.** The license will be delivered to the Local Licensing Board or its designee on Monday, October 17, 2022, at 9:00 A.M. It will be returned to the licensee on November 1, 2022.

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 which must be signed by the Licensee and 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



Jean M. Lorizio  
Chairman

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Caroline Guarino-Wilichoski, Investigator  
Tim Hooton, Investigator  
William A. Kelley, Esq.  
Administration, File



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**DECISION**

**LYNNWAY LIQUOR MART INC. D/B/A LYNNWAY LIQUORS  
702 LYNNWAY  
LYNN, MA 01905  
LICENSE#: 00127-PK-0638  
VIOLATION DATE: 12/4/2019 to 1/22/2020  
HEARD: 3/24/2021**

Lynnway Liquor Mart Inc. d/b/a Lynnway Liquors ("Licensee" or "Lynnway Liquors") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a remote hearing via Microsoft Teams on Wednesday, March 24, 2021, regarding alleged violations of:

- 1) M.G.L. c. 138, § 2 No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this Chapter: To Wit: c. 138, § 18 Unlawful Export;
- 2) M.G.L. c. 138, § 2 No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this Chapter: To Wit: M.G.L. c. 138, § 15: Unlawful Sale;
- 3) M.G.L. c. 138, § 18 – Acting as a wholesaler of alcoholic beverages without being properly licensed.

Prior to the commencement of the hearing, the Investigative Unit agreed to withdraw the alleged violation of M.G.L. c. 138, § 2, to wit: c. 138, § 18 Unlawful Export.

The Licensee stipulated to the facts alleged in Investigator Guarino-Wilichoski's Report and to the violations of the remaining two charges.

The following documents are in evidence:

1. Investigator Guarino-Wilichoski's Report;
2. ABCC Form 43, License Transfer Approval, 11/24/64;
3. ABCC Decision, 6/20/2000;
4. ABCC Decision, 1/6/1976;
5. ABCC Decision, 6/12/1972;

6. City of Lynn License Commissioners Decision, 10/4/2005;
7. Licensee Receipts, Order Documentation, Shipping Labels & Delivery Information;
8. Licensee Wholesaler Invoices;
9. Packing Slips;
10. Facebook Posts;
11. Suffolk Superior Court Memorandum of Decision and Order, #98-0819, World Beer Direct Inc. v. ABCC, 8/25/1999;
12. Licensee's Shipping & Delivery Policy;
13. Licensee's Stipulation of Facts.

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

#### FINDINGS OF FACT

1. Lynnway Liquor Mart Inc. d/b/a Lynnway Liquors holds a § 15 all alcoholic beverages retail package store license which was approved by the Commission in November of 1964.
2. On January 11, 2020, the ABCC Investigation and Enforcement Division received information that Lynnway Liquors was making sales and deliveries of alcoholic beverages to consumers outside of Massachusetts.
3. On Wednesday, January 29, 2020, at approximately 11:15 a.m., Investigators Hooton and Guarino-Wilichoski's ("Investigators") conducted an inspection of Lynnway Liquor Mart Inc. d/b/a Lynnway Liquors ("Licensee" or "Lynnway Liquors") to determine the manner in which its business was being conducted and to investigate the complaint filed with this Commission.
4. Investigators identified themselves to Jim Robus, the manager on duty, and Tiffany Macomber, the clerk on duty. Investigators advised the employees of the complaint and asked them to describe the business operation relative to the exportation of alcoholic beverages from the Commonwealth. Robus and Macomber admitted to selling and exporting alcoholic beverages to consumers located outside Massachusetts.
5. Macomber stated to Investigators that Lynnway Liquors has a website, [www.lynnwayliquors.net](http://www.lynnwayliquors.net), where consumers may open an account to order alcoholic beverages, make payment online, and arrange to have the alcoholic beverages delivered to them.
6. Information on the Licensee's website indicates the Licensee will deliver alcoholic beverages to consumers in any state, excluding South Dakota. Shipment is made via United Parcel Service ("UPS"); however, the Licensee provided to Investigators many receipts for shipments via Federal Express ("FedEx").
7. Macomber provided Investigators with numerous documents which confirmed that Lynnway Liquors did sell and export alcoholic beverages to consumers outside of Massachusetts between December 4, 2019, and January 22, 2020. These documents included shipping orders, payment receipts, FedEx shipping receipts, as well as Drop-Off receipts.

8. Investigator Guarino-Wilichoski also spoke to the owner, Mr. Ansara, via telephone. Mr. Ansara admitted that his business has been shipping alcoholic beverages to customers out of state for four (4) years.
9. Investigator Guarino-Wilichoski informed Mr. Ansara of the violation and that a report would be filed with the Chief Investigator for further review.
10. The Licensee made approximately 230 sales, totaling approximately \$80,000.00, to individuals outside of Massachusetts between December 4, 2019, and January 22, 2020. (Exhibit 7)

### CONCLUSION

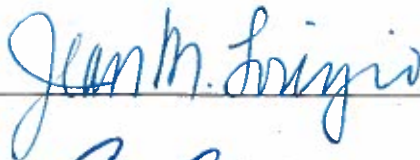
Based on the evidence, the Commission finds the Licensee violated:

- 1) M.G.L. c. 138, § 2 No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this Chapter: To Wit: M.G.L. c. 138, § 15: Unlawful Sale;
- 2) M.G.L. c. 138, § 18 – Acting as a wholesaler of alcoholic beverages without being properly licensed.

Therefore, the Commission suspends the license for a period of 30 days of which 15 days will be served and 15 days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: August 24, 2022

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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2020-024046-ad-enf

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