



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

DCK ENTERPRISE, INC. DBA VERNON LIQUOR
673-677 EASTERN AVE
MALDEN, MA 02148
LICENSE#: 064600066
VIOLATION DATE: 03/16/2012
HEARD: 11/27/2012

DCK Enterprise, Inc. dba Vernon Liquor (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 27, 2012, regarding an alleged violation of 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: c.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 violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
 2. Investigator Temple's Investigative Report dated August 23, 2012.
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- A. Licensee's Notice re: Identification Prior to Incident;
 - B. Licensee's Currently Posted Notice re: ABCC Advisory issued September 4, 2012; and
 - C. TIPS Certification Card.

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

FACTS

1. On Thursday, August 23, 2012, at approximately 9:20 p.m., Investigators Capurso and Temple conducted an investigation of the business operation of DCK Enterprise, Inc. dba Vernon Liquor to determine the manner in which their business was being conducted.
2. Investigators conducted a stationary surveillance outside of the licensed premises.
3. Investigators observed a youthful looking male and a youthful looking female exit the licensed premises.
4. Investigators observed the male, later identified as Mr. Anthony Knox, exchange cash for a black plastic bag he received from the female, identified as Ms. Doreese M. Licari.
5. Investigators observed Ms. Licari re-enter the premises.
6. Investigators approached a vehicle, identified themselves, and asked both individuals within for identification.
7. Mr. Knox provided investigators with a Massachusetts Driver's License, date of birth April 13, 1993, age nineteen (19) years.

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8. Mr. Knox also gave investigators the black plastic bag which he had received from Ms. Licari.
9. The black plastic bag contained several bottles of alcoholic beverages:
 - o One (1) 200 ml of Jagermeister;
 - o Two (2) 50 ml of Monte Alban.
10. Investigators asked Mr. Knox how he obtained the alcohol.
11. Mr. Knox stated that his friend got it for him.
12. Investigators observed Ms. Licari exit the licensed premises, and asked her for identification.
13. Ms. Licari provided them with a Massachusetts Driver's License, date of birth May 20, 1994, age eighteen (18) years.
14. Investigators asked Ms. Licari how she obtained the alcohol.
15. Ms. Licari stated that she had asked an unknown person, no longer in the area, to buy it for her.
16. Investigators accompanied Ms. Licari back to the store to verify her statement.
17. While walking back to the store, Ms. Licari stated that she had purchased the alcohol with a New Jersey Driver's License.
18. Investigators examined the New Jersey Driver's License and, based on their training and experience, determined it to be fraudulent.
19. Investigators identified Ms. Licari to the clerk on duty, Mr. Michael Tarzia.
20. Mr. Tarzia stated that he had asked Ms. Licari for identification, and he verified that it was the same New Jersey Driver's License which she had provided to investigators.
21. Investigators then informed the manager on duty, Ms. Helen Kim, 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 204 CMR 2.05(2) - Permitting an illegality on the licensed premises, to wit: c.138, §34- Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). As the licensee has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner *Susan Corcoran*

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

Kathleen McNally, Commissioner *Kathleen McNally*

DATE: November 28, 2012

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
 Christopher Temple, Investigator
 File