



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**BAPA CONVENIENCE INC. D/B/A RICHDAL OF MARBLEHEAD
29 SMITH STREET
MARBLEHEAD, MA 01902
LICENSE#: 89456-PK-0656
VIOLATION DATE: 6/21/2019
HEARD: 10/22/2019**

Bapa Convenience Inc. d/b/a Richdale of Marblehead (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 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. Copy of New License Approval 12/5/2018;
 4. Copy of Fraudulent Rhode Island Driver's License.
- A. TIPS Certifications for Employees.

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

FACTS

1. On Saturday, June 21, 2019, Investigators Bolcome, Keefe, Smith and Di Cicco ("Investigators") conducted an investigation of the business operation of Bapa Convenience Inc. d/b/a Richdale of Marblehead to determine the manner in which its business was being conducted.
2. At approximately 5:30 p.m., Investigators observed a motor vehicle in the parking lot area of the licensed premises with three youthful appearing occupants.
3. Investigators observed one of the youthful appearing individuals enter the licensed premises and later exit in possession of alcoholic beverages.

4. Investigators approached the motor vehicle, identified themselves, and ask for proof of legal age.
5. Underage #1, actual date of birth, 3/22/1999 (age 20) was in possession of two 12-packs of White Claw Hard Seltzer, one 6-pack of Corona beer, and one 750 ml bottle of Laurent Miquel rosé wine. The underage presented to Investigators a fraudulent Rhode Island driver's license which he had used to purchase the alcohol.
6. The other youthful appearing occupants of the motor vehicle were all properly identified, and all were under twenty-one years of age. One individual was age 19 and the other was age 18.
7. Investigators entered the licensed premises and spoke to the clerk on duty, Krushesh Patel. Mr. Patel stated to Investigators that he was the employee who sold the alcoholic beverages to the underage individual.
8. Investigators informed the manager of record and owner, Parth Patel of the violation and that a report would be submitted to the Chief Investigator for review.
9. During the hearing, the Licensee testified his employees are all TIPS trained and they are no longer accepting out of state identifications.
10. The Licensee has held a license under M.G.L. c. 138, § 15 since 2018 with no prior violations.

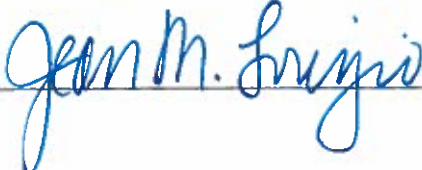
CONCLUSION

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). The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner 

Kathleen McNally, Commissioner 

Jean M. Lorizio, Chairman 

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
Joe Di Cicco, Investigator
D. Bolcome, D. Keefe, N. Smith, Investigators
Gregory Demakis, Esq.
Administration, File