



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

October 23, 2019

**SHREE KAMAKYA DEVI, INC. D/B/A MASHPEE MINI MART
401 NATHAN ELLIS HIGHWAY, UNITS 6 & 7
MASHPEE, MA 02649
LICENSE#: 88862-PK-0670
VIOLATION DATE: 6/14/2019
HEARING DATE: 10/22/2019**

After a hearing on October 22, 2019, the Commission finds Shree Kamakya Devi, Inc. d/b/a Mashpee Mini Mart violated M.G.L. c. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count).

The Commission suspends the license for one (1) day.

By decision dated July 11, 2018, the Commission previously ordered a two-day suspension which was held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that two (2) days suspension being held in abeyance. The Commission, in its discretion, hereby orders that 2-day suspension to be served on and after the one (1) day suspension. The Licensee will serve a total of three (3) days.

The suspension shall commence on Monday, December 9, 2019 and terminate on Wednesday, December 11, 2019. The license will be delivered to the Local Licensing Board or its designee Monday, December 9, 2019 at 9:00 A.M. It will be returned to the licensee on Thursday, December 12, 2019.

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.

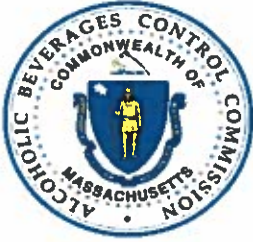
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Jamie Binienda, Investigator
Jack Carey, Investigator
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**SHREE KAMAKYA DEVI, INC. D/B/A MASHPEE MINI MART
401 NATHAN ELLIS HIGHWAY, UNITS 6 & 7
MASHPEE, MA 02649
LICENSE#: 88862-PK-0670
VIOLATION DATE: 6/14/2019
HEARING DATE: 10/22/2019**

Shree Kamakya Devi, Inc. d/b/a Mashpee Mini Mart (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, October 22, 2019, regarding an alleged violation of M.G.L. 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 Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Report;
2. Licensee's Stipulation of Facts;
3. Copy of Fraudulent Alabama Driver's License;
4. New License Approval, 9/12/2016;
5. ABCC Decision, 7/12/2018.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Friday, June 14, 2019, at approximately 9:48 p.m., Investigators Carey and Binienda ("Investigators") investigated the business operation of Shree Kamakya Devi, Inc. d/b/a Mashpee Mini Mart to determine the manner in which its business was being conducted.
2. Investigators parked their vehicle outside the premises in order to make observations. Investigators observed a youthful looking female individual exit the passenger side of a

motor vehicle and enter the store. Shortly after, this female individual exited the premises in possession of alcoholic beverages and entered the vehicle.

3. Investigators approached the female individual, identified themselves, and asked to see identification.
4. Underage #1, actual date of birth 6/7/2001 (age 18) was in possession of a 12-pack of Smirnoff Spiked Sparkling Seltzer variety pack and a 6-pack of Smirnoff Spiked Sparkling Seltzer Raspberry Rose.
5. The underage individual stated to Investigators that she presented a fraudulent Alabama driver's license to purchase the alcoholic beverages. She stated that she has purchased alcohol from this store in the past.
6. Investigators entered the licensed premises and spoke to the clerk on duty, Erum Arshad.
7. Investigators showed the fraudulent Alabama license to Arshad and advised her of the violation and that a report would be filed with the Chief Investigator for further action.
8. During the hearing, the Licensee testified that he has purchased an Identification scanner and retrained his employees.
9. The Licensee has held a license under M.G.L. c. 138, § 15 since 2016 with one prior violation of Ch. 138, § 34 which occurred in 2018.

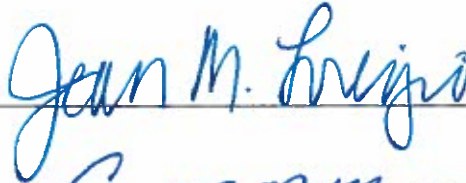
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for one (1) day.**

By decision dated July 11, 2018, the Commission previously ordered a two-day suspension which was held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that two (2) days suspension being held in abeyance. The Commission, in its discretion, hereby orders that 2-day suspension to be served on and after the one (1) day suspension. The Licensee will serve a total of three (3) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Kathleen McNally, Commissioner



Dated: October 24, 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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