



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

Jean M. Lorizio, Esq.
Chair

NOTICE OF SUSPENSION

July 1, 2025

**HAVAN LLC D/B/A PLAZA LIQUORS
182 HAVERHILL STREET
METHUEN, MA 01844
LICENSE#: 00085-PK-0696
VIOLATION DATE: 10/11/2023
HEARD: 4/23/2024**

After a hearing on April 23, 2024, the Commission finds Havan LLC d/b/a Plaza Liquors violated M.G.L. Ch. 138, § 23 Unlawful Purchase: No license issued under §§ 12, 14, or 15 and no certificate of fitness under § 30 shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under §§ 18, 19, or 19F or 19C or from a holder of a special permit to sell issued under § 22A.

The Commission suspends the license for a period of fourteen (14) days, with five (5) days to be served and nine (9) days 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, August 18, 2025, and terminate on Friday, August 22, 2025. The license will be delivered to the Local Licensing Board or its designee on Monday, August 18, 2025. It will be returned to the licensee on August 23, 2025.

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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'Đây là tài liệu quan trọng và cần được dịch ngay'
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2023-000260-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
David Bolcome, Investigator
Melissa Anderson, Investigator
John P. Connell, Esq.
Administration, File



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DECISION

**HAVAN LLC D/B/A PLAZA LIQUORS
182 HAVERHILL STREET
METHUEN, MA 01844
LICENSE#: 00085-PK-0696
VIOLATION DATE: 10/11/2023
HEARD: 4/23/2024**

Havan LLC d/b/a Plaza Liquors (“Licensee” or “Plaza Liquors”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Tuesday, April 23, 2024, regarding an alleged violation of M.G.L. Ch. 138, § 23 Unlawful Purchase: No license issued under §§ 12, 14, or 15 and no certificate of fitness issued under § 30 shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under §§ 18, 19, or 19F or 19C or from a holder of a special permit to sell issued under § 22A.

The following documents are in evidence:

1. Investigative Report of D. Bolcome;
2. Photographs (2) of Alcoholic Beverage Cases with Mailing Labels addressed to Westford Wine & Spirits;
3. Photographs of Alcoholic Beverage Case with Mailing Labels addressed to Baystate Liquor;
4. Photographs (9) of Alcoholic Beverages with Defaced Mailing Labels;
5. ABCC Updated Advisory Regarding Consolidated Buying, 8/4/2017;
6. ABCC Form 43 License Transfer Approved 8/24/2007;

A. Horizon Beverage Co. Invoice dated 6/29/2023 to Plaza Liquors.

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

FINDINGS OF FACT

1. On Wednesday, October 11, 2023, at approximately 2:00 p.m., Investigators Bolcome and Anderson (“Investigators”), inspected the business operation of Havan LLC d/b/a Plaza

Liquors (“Licensee” or “Plaza Liquors”), and investigated a complaint filed with this Commission regarding the purchase of Fireball Whiskey from an unauthorized source. (Testimony, Exhibit 1)

2. Investigators inspected the alcohol inventory and observed three cases with labels addressed to other § 15 retail package stores. Two labels were addressed to Westford Wine and Spirits, and one was addressed to Bay State Liquor/Wine & SP. Id.
3. Investigators also observed other cases of alcoholic beverages on which the shipping labels had been peeled off or ripped in a manner so that the delivery address was illegible. Based on their training and experience, Investigators believed these actions indicated an attempt to conceal the presence of unlawfully purchased alcoholic beverages on the licensed premises. Id.
4. Pathik Patel, the manager of record, appeared at the Commission’s hearing. He testified he has an ownership interest in other § 15 package stores and described his practice of borrowing products from one of those other stores if he ran out at Plaza Liquors. Mr. Patel testified that he would not pay for the product but rather borrowed it until he could replace it after receiving a new supply at Plaza Liquors. (Testimony)
5. The Licensee has held a license under M.G.L. c. 138, § 15 since 2007. (Exhibit 6, Commission Records)

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm’n, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was “enacted ... to serve the public need and ... to protect the common good.” M.G.L. c. 138, § 23. “[T]he purpose of discipline is not retribution, but the protection of the public.” Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given “comprehensive powers of supervision over licensees.” Connolly, 334 Mass. at 617.

The Licensee is charged with a violation of 2.04 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 138, § 23 – Sale of alcoholic beverages other than those purchased under § 18 or § 19 or from a holder of a special permit under § 22A.

According to 204 C.M.R. 2.05(2), “No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.”

M.G.L. Ch. 138, § 23 states:

No license issued under section twelve, fourteen or fifteen, and no certificate of fitness issued under section thirty shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under section eighteen, nineteen or 19F or nineteen C or from a holder of a special permit to sell issued under section twenty-two A; provided, that the holder of a license under section twelve or fifteen may sell alcoholic beverages acquired as the result of the purchase of a warehouse receipt for such beverages if the said receipt was purchased from the holder of a license under section eighteen, nineteen, 19F or nineteen C or from a broker registered under chapter one hundred and ten A who is authorized thereunder to deal in warehouse receipts for alcoholic beverages; and provided, further, that nothing contained in this section shall be construed to authorize a licensee under section twelve or fifteen to import alcoholic beverages into the commonwealth except through the holder of a license issued under section eighteen or 19F. M.G.L. c. 138, § 23

Direct evidence was presented through the testimony of Investigators who observed on the licensed premises, cases of alcoholic beverage with labels indicating they had been delivered to other § 15 retail package store. (Testimony, Exhibits 1, 2, 3) The Licensee admittedly "borrowed" the alcoholic beverages from other § 15 retail package stores in which he holds an ownership interest. (Testimony) As such, Plaza Liquors had not purchased the cases of alcoholic beverages which were found on the licensed premises in accordance with M.G.L. c. 138, § 23. (Testimony)

"Possession on the licensed premises by any licensee under this chapter of any alcoholic beverages or alcohol not authorized to be sold or used under the terms of his license shall be prima facie evidence that such beverage or alcohol is kept for sale in violation of this chapter." M.G.L. c. 138, § 30H.

The Commission is persuaded by the evidence that a violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 138, § 23- Sale of alcoholic beverages other than those purchased under § 18 or § 19 or from a holder of a special permit under § 22A, did occur.

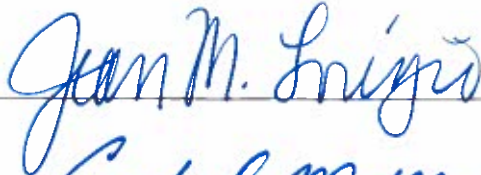
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 23 Unlawful Purchase: No license issued under §§ 12, 14, or 15 and no certificate of fitness under § 30 shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under §§ 18, 19, or 19F or 19C or from a holder of a special permit to sell issued under § 22A.

As a result, the Commission **suspends the license for a period of fourteen (14) days, with five (5) days to be served and nine (9) days 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 A. Baglio, Commissioner



Dated: July 1, 2025

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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