

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

Jean M. Lorizio, Esq.
Chairman

DECISION

**J & M CONVENIENCE INC. D/B/A RICHDALE
23-29 SOUTH MAIN STREET
MIDDLETON, MA 01949
LICENSE#: 00041-PK-0704
VIOLATION DATE: 9/01/2023
HEARD: 1/30/2024**

J & M Convenience Inc. d/b/a Richdale (the "Licensee") 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, January 30, 2024, regarding an alleged violation of M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Anderson's Report.

The hearing record was left open to the close of business on January 30, 2024, to allow the Licensee to submit additional documents. Said documents were timely received and marked as Exhibit A. The record is now closed.

The following documents are in evidence:

1. Investigator Anderson's Report;
 2. Photocopy of Fraudulent and Genuine Massachusetts Driver's Licenses;
 3. Photocopy of Alcoholic Beverages purchased by Underage #1;
 4. Licensee Stipulation of Facts.
- A. SafeServ Certificates for R. Patel and M. Patel.

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

FINDINGS OF FACT

1. On Friday, September 1, 2023, Investigators Gould, Quinn, and Anderson ("Investigators"), conducted surveillance of J & M Convenience Inc. d/b/a Richdale ("Licensee" or "Richdale") to determine the way its business was being conducted.
2. At approximately 10:40 p.m., Investigators observed a Dodge Charger motor vehicle enter the parking lot of Richdale. Investigators observed two youthful appearing male individuals exit the vehicle and one of the males entered the licensed premises. Shortly

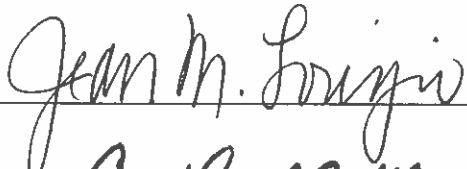
thereafter, that male exited the store in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.


3. Underage #1, actual date of birth 11/23/2005 (age 17), was in possession of one 18-pack of Michelob Ultra beer and one 18-pack of Twisted Tea Hard Iced Tea. Underage #1 provided a fraudulent Massachusetts driver's license to Investigators which he stated he presented to the clerk when purchasing the alcoholic beverages.
4. In the opinion of the Investigators, based on the appearance of the underage individual, any reasonable person should have known Underage #1 was under the age of twenty-one.
5. At approximately 10:45 p.m. Investigators entered the licensed premises and spoke to the clerk on duty about the violation. The clerk called the Licensee, Mukesh Patel. Investigators spoke with the Licensee via telephone, informed him of the violation and that a report would be filed with the Chief Investigator for further action.
6. Mr. Patel attended the Commission's hearing. The Commission was informed the Licensee has since installed an identification scanner and instituted a policy wherein any customers who appear to be 35 years of age or younger are required to present identification.
7. The Licensee has held a license under M.G.L. c. 138, § 15 since 2015 with no prior violations.


CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). As a result, the Commission **SUSPENDS the license for a period of one (1) day which 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 A. Baglio, Commissioner 

Dated: February 14, 2024

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。
यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए
Dokiman sa a enpòtan epi li ta dwe tradwi touswit
'Đây là tài liệu quan trọng và cần được dịch ngay'
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2023-000246-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Melissa Anderson, Investigator
Brian Gould, Investigator
Katelyn Quinn, Investigator
Gregory C. Demakis, Esq.
Administration, File