



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

April 14, 2022

**MIKE'S DISCOUNT LIQUORS, INC.
21 SOUTH MAIN STREET
MIDDLETON, MA 01949
LICENSE#: 88926-PK-0704
VIOLATION DATE: 4/16/2021
HEARD: 11/30/2021**

After a hearing on November 30, 2021, the Commission finds Mike's Discount Liquors, Inc. violated M.G.L. c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (2 counts). The Commission **suspends the license for a period of two (2) days to be served.**

The suspension shall commence on Monday, June 6, 2022 , and terminate on Tuesday, June 7, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, June 6, 2022, at 9:00 A.M. It will be returned to the licensee on Wednesday, June 8, 2022.

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.

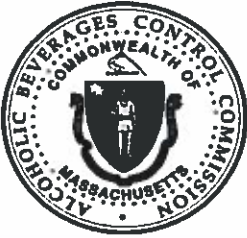
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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这份文件是重要的，应立即进行翻译.

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



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DECISION

**MIKE'S DISCOUNT LIQUORS, INC.
21 SOUTH MAIN STREET
MIDDLETON, MA 01949
LICENSE#: 88926-PK-0704
VIOLATION DATE: 4/16/2021
HEARD: 11/30/2021**

Mike's Discount Liquors, Inc. (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, November 30, 2021, 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 (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Guarino's Report.

The following documents are in evidence:

1. Investigator Guarino's Report;
2. ABCC Accela Summary, License Transfer Approved 12/9/2016;
3. Photograph of Fraudulent and Genuine Identifications;
4. Photograph of Alcoholic Beverages Purchased;
5. ABCC Decision, 9/5/2018;
6. Licensee's Surveillance Video;
7. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, April 16, 2021, at approximately 7:00 p.m. Investigators Carey and Guarino ("Investigators"), conducted an investigation of the business operation of Mike's Discount Liquors, Inc. to determine the manner in which its business was being conducted, and to investigate a complaint filed with this Commission.
2. At approximately 7:20 p.m., Investigators observed a motor vehicle, a Honda CRV, pull into a parking space outside the licensed premises. Investigators observed a youthful looking male individual exit the vehicle and enter the store.

3. At approximately 7:22 p.m., Investigators observed a second motor vehicle, a Jeep SUV, pull into a parking space outside the licensed premises. Investigators observed a youthful looking male individual exit the vehicle and enter the store.
4. At approximately 7:25 p.m., the first youthful looking male individual exited the premises in possession of what appeared to be alcoholic beverages, which he placed in the back seat of the Honda CRV. Investigators identified themselves and asked to see proof of legal age.
5. Underage #1, actual date of birth 10/16/2001 (age 19), was in possession of an 18-pack of Budweiser beer, one 1.7-liter bottle of Amsterdam Mango vodka, and one 1.75-liter bottle of Barefoot White Zinfandel wine. Underage #1 stated to Investigators that he was not asked for identification.
6. At approximately 7:27 p.m., the second youthful looking male individual exited the premises in possession of what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
7. Underage #2, actual date of birth 9/30/2002 (age 18), was in possession of two 10-packs of Fireball Cinnamon Whiskey nips. Underage #2 presented to Investigators a fraudulent Maine driver's license in another person's name and with a different birth date, which he used to purchase the alcoholic beverages.
8. Investigators entered the licensed premises with both underage individuals and identified them to the clerk on duty.
9. The clerk admitted he did not check any identification for Underage #1 as he had made purchases from the store before. The clerk also stated that he did request identification from Underage #2 who presented a Maine driver's license.
10. Investigators spoke to the Licensee, Magdy "Mike" Ghaly, who was on the premises. Investigators informed Mr. Ghaly of the violations and that a report would be filed with the Chief Investigator for review.
11. Mr. Ghaly attended the Commission's hearing. Mr. Ghaly testified the underage individuals were both wearing masks on their faces making it difficult to identify patrons. He also explained that the employee used a scanner to verify one of the identifications and it scanned valid. The other underage individual had been in the store previously and became familiar with the clerk. The Licensee will continue to scan all identifications and the employees will also check the faces of the patrons compared to the identifications presented.
12. The Licensee has held a license under M.G.L. c. 138, § 15 since 2016 with one prior violation.

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 (2 counts). Therefore, the Commission **suspends the license for a period of two (2) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner Cybil Matthews

Deborah A. Baglio, Commissioner Deborah A. Baglio

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

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: April 14, 2022

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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