



The Commonwealth of Massachusetts

*Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114*

*Deborah B. Goldberg
Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.
Chairman*

NOTICE OF SUSPENSION

December 16, 2015

**SWAMINI LLC D/B/A ZULLY'S WINE & SPIRITS
1240 KEMPTON STREET
NEW BEDFORD, MA 02740
LICENSE#: 077800176
VIOLATION DATE: 09/10/2015
HEARD: 12/15/2015**

After a hearing on December 15, 2015, the Commission finds Swamini LLC d/b/a Zully's Wine & Spirits 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).

Therefore, the Commission suspends the license for four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

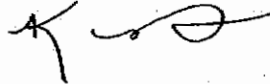
By decision dated December 17, 2014 the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) day suspension. The Licensee will serve a total five (5) days.

The suspension shall commence on Wednesday, February 3, 2016, and terminate on Sunday, February 7, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 3, 2016 at 9:00 A.M. It will be returned to the licensee on Monday, February 8, 2016.

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



Kim S. Gainsboro
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
Nicholas Velez, Investigator
Jack Carey, Investigator
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

SWAMINI LLC D/B/A ZULLY'S WINE & SPIRITS
1240 KEMPTON STREET
NEW BEDFORD, MA 02740
LICENSE#: 077800176
VIOLATION DATE: 09/10/2015
HEARD: 12/15/2015

Swamini LLC d/b/a Zully's Wine & Spirits 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, December 15, 2015, 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 Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report dated September 10, 2015; and
2. Licensee's Stipulation of Facts.

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

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

FACTS

1. On Thursday, September 10, 2015 at approximately 4:34 p.m., Investigators Carey and Velez ("Investigators") conducted an investigation of the business operation of Swamini LLC d/b/a Zully's Wine & Spirits to determine the manner in which the business was being conducted.
2. While outside of the licensed premises, Investigators observed a youthful looking male individual exiting the premises in possession of a twelve (12) pack of Smirnoff Ice malt beverages.
3. Investigators asked the youthful looking male for proof of legal drinking age.

4. The youthful male presented Investigator Velez a fake Rhode Island ID bearing his own name and displaying a date of birth of 04-23-1993.
5. The youthful male was also carrying a backpack that contained a 1.75 liter of Smirnoff Raspberry Vodka, 1 liter of Bacardi Berry, 1 Liter of Svedka Raspberry Vodka, 1 Liter of Malibu Rum, and 1 Liter of Fireball Cinnamon Whiskey.
6. The youthful male was identified as having a real date of birth of 04-23-1996 (19 years-old).
7. Investigators entered the licensed premises and spoke to the manager on duty identified as Dhaval Patel.
8. Investigators identified the underage male to Mr. Patel and informed him that a violation report would be submitted to the Chief Investigator for further action.

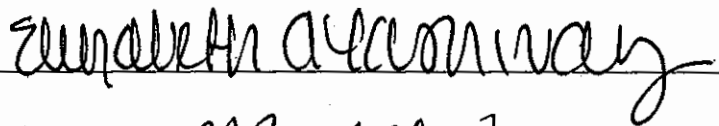
CONCLUSION

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 (1 Count). Therefore, the Commission **suspends the license for four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

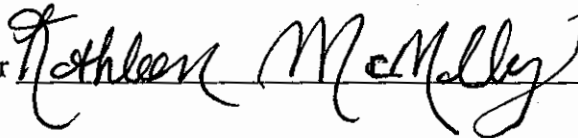
By decision dated December 17, 2014 the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) day suspension. The Licensee will serve a total five (5) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: December 16, 2015

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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