

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

Jean M. Lorizio, Esq.
Chairman

DECISION

**KAILAKESH CORP. D/B/A HEALLY'S WINE & SPIRITS
45 STOREY AVENUE
NEWBURYPORT, MA 01950
LICENSE#: 90118-PK-0796
VIOLATION DATE: 6/13/2022
HEARD: 10/04/2022**

Kailakesh Corp. d/b/a Heally's Wine & Spirits ("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, October 4, 2022, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Anderson's Compliance Check Field Report.

The following documents are in evidence:

1. Investigator Anderson's Minimum Purchase Age Compliance Check Field Report;
 2. ABCC Licensing Authority Certification, Transfer of License approved, 10/5/2021;
 3. Licensee's Stipulation of Facts.
- A. TIPS certification for Rakeshkumar Patel and Samirkumar Patel
B. Photographs of Notice re: Store Policy Requiring Identifications.

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

FINDINGS OF FACT

1. On Monday, June 13, 2022, at approximately 4:49 p.m., Investigators Bolcome and Anderson ("Investigators"), inspected the business operation of Kailakesh Corp. d/b/a Heally's Wine & Spirits.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one 25-ounce can of Bud Light beer for three dollars (\$3.00). The underage operative was not asked for identification.
3. Samir Patel appeared at the Commission hearing. The Commission was informed that the License has implemented a new policy requiring employees to request identification from

patrons who appeared to be under 40 years old. The employee who sold the alcoholic beverage to the underage operative has since completed TIPS training.

CONCLUSION

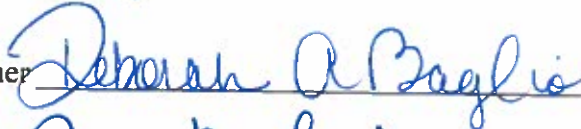
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

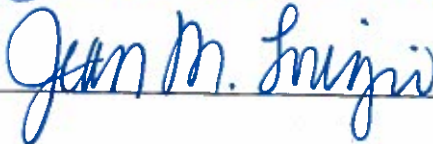
Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Jean M. Lorizio, Chairman



Dated: October 12, 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.

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。

2022-000119-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Melissa Anderson, Investigator
David Bolcome, Investigator
Gregory Demakis, Esq.
Administration, File