



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

Jean M. Lorizio, Esq.
Chairman

**AMENDED
DECISION**

GB LL HOLDINGS MA LLC D/B/A GOPUFF
82-84 NEEDHAM STREET
NEWTON, MA 02461
LICENSE#: 89546-PK-0800

GB LOGISTICS LLC
454 NORTH 12TH STREET
PHILADELPHIA, PA 19123
LICENSE#: XM-LIC-000474
HEARD: 3/7/2022

GB LL Holdings MA LLC d/b/a goPuff (the "Licensee" or "goPuff") holds a retail package store 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 Monday, March 7, 2022, regarding alleged violations of M.G.L. Ch. 138 § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (19 counts) which occurred November 18 and 19, 2021, December 2, 2021, December 8 and 9, 2021.

GB Logistics LLC (the "Licensee" or "GB Logistics") holds an express transportation permit issued pursuant to M.G.L. c. 138, § 22. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Monday, March 7, 2022, regarding alleged violations of:

- 1) M.G.L. Ch. 138 § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. (19 counts);
- 2) M.G.L. Ch. 138 § 22 Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof; and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation. (6 counts).

The above alleged violations occurred November 18 and 19, 2021, December 2, 2021, December 8 and 9, 2021.

Prior to the commencement of the consolidated hearing, the Licensees stipulated to the facts alleged in the Investigators Reports.

The following documents are in evidence:

1. Four Investigative Reports, three fraudulent identifications confiscated, Investigator notes, and goPuff Printouts concerning 11/18/2021;
2. Five Investigative Reports, six fraudulent identifications confiscated, goPuff Printouts, Photograph of alcoholic beverages confiscated, Two Underage Genuine identifications, and Photograph of Cell Phone with Order Status on Screen, concerning 11/19/2021;
3. Six Investigative Reports, five fraudulent identifications confiscated, goPuff Printouts, Facebook Page, and Voter Registration Information, concerning 2/2/2021;
4. Two Investigative Reports, one fraudulent identification confiscated, and goPuff Printout concerning 12/8/2021;
5. Six Investigative Reports, two fraudulent identifications confiscated, goPuff Printouts, and Photograph of Cell Phone with Order Information on Screen concerning 12/9/2021;
6. Original ABCC Approval Coversheet of GB LL Holdings MA LLC d/b/a goPuff Retail Package Store License, 4/22/2019;
7. Original GB Logistics LLC Express Transportation Permit, approved 2/1/2019;
8. Licensees' Stipulations of Facts (2).

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

FINDINGS OF FACT

Thursday, November 18, 2021.

1. On Thursday, November 18, 2021, Investigators Kujawski, David, Gould, and Gardner (“Investigators”) inspected GB LL Holdings MA LLC d/b/a goPuff (the “Licensee” or “goPuff”) and GB Logistics LLC (the “Licensee” or “GB Logistics”) to investigate a complaint filed with this Commission alleging the Licensee was selling and delivering alcoholic beverages to minors. (Testimony, Exhibit 1)
2. At approximately 7:00 p.m., while conducting surveillance outside the licensed premises of goPuff located at 82-84 Needham Street, Newton, Massachusetts, Investigators observed employees exit the licensed premises with a large quantity of alcoholic beverages on a delivery cart and load the alcoholic beverages into a black SUV. Investigators Kujawski and Gould followed the black SUV from 84 Needham Street to 25 Gerald Road, Boston, Massachusetts. The vehicle did not make any other stops. Id.
3. Upon arriving at 25 Gerald Road, Investigators observed two youthful looking male individuals exit the residential structure and approach the black SUV. One male individual appeared to show an identification to the driver of the vehicle. The driver then retrieved two 30-packs of Natural Light beer and one 12-pack of White Claw hard seltzer from the vehicle and delivered the alcoholic beverages to the two male individuals. Id.
4. Investigators approached the vehicle and individuals, identified themselves and requested identification. Id.
5. Underage #1, actual date of birth 11/22/2000 (age 20), first provided Investigators with a fraudulent North Carolina driver’s license in his own name with a different birth date. Underage #1 then provided his true Connecticut Driver’s License. Id.
6. Investigators Velez and Fleming arrived at 25 Gerald Road and spoke to the driver of the black SUV, who stated that he worked for goPuff. Investigators requested to see his transportation permit. The driver replied that he did not have one and had no knowledge of being issued one. Id.
7. At approximately 9:15 p.m., Investigators Kujawski and Gould along with Chief Investigator Mahony entered the licensed premises of goPuff and spoke to an employee, who produced documentation of the sale of alcoholic beverages and the delivery of the alcoholic beverages to Underage #1 at 25 Gerald Road, Boston. Id.
8. Investigators spoke with the employee as well as Chao Liao, Manager of Record, via telephone, and informed them of the violation. Id.
9. Mr. Liao was asked about the transportation permits and stated they have no control over the driver’s operations. He stated they only have control over what’s in the building and that the system notifies them of the incoming order and the drivers are dispatched once the orders have been processed and filled. The goPuff employee added that the drivers are 1099 contractors that are contracted with another company. Id.

10. Chief Mahony asked if the drivers receive training and Mr. Liao stated he did not know, as they are contracted with another company. Id.
11. On Thursday, November 18, 2021, Investigators David and Gardner (“Investigators”) conducted surveillance near Boston College, Chestnut Hill, Massachusetts, to investigate a complaint filed with this Commission regarding underage students obtaining alcoholic beverages through delivery services. Id.
12. At approximately 7:30 p.m. while on Tudor Road in Chestnut Hill, Investigators observed four youthful appearing male individuals seated on the wall outside of Claver Hall. Claver Hall is used as on-campus housing for freshman students at Boston College. The individuals wore backpacks which appeared to be empty, and one individual had a large hockey/lacrosse bag. Id.
13. At approximately 7:40 p.m., Investigators observed the four males walking in the direction of Monadnock Road. Investigators turned onto Monadnock Road and observed a vehicle traveling in the opposite direction. The driver of the vehicle was later confirmed to be a goPuff delivery driver. Investigators observed the four male individuals outside of 129 Monadnock Road, placing the following alcoholic beverages into their backpacks and the hockey/lacrosse bag: one 30-pack of Bud Light beer; one 30-pack of Miller Lite beer; two 30-packs of Natural Light beer, and two 750-milliliter bottles of Kaviana vodka. Id.
14. Investigators David and Gardner approached the four individuals, identified themselves and asked to see proof of legal age to possess alcoholic beverages. Id.
15. Underage #2, actual date of birth 7/18/2003 (age 18), stated he placed the order for alcoholic beverages using the goPuff app and used a fraudulent Connecticut driver’s license bearing the name and birth date of another person to purchase the alcoholic beverages. Underage #2 provided Investigators with an order number from the goPuff app. Id.
16. Underage #3, actual date of birth 5/17/2003 (age 18), Underage #4, actual date of birth 11/11/2003 (age 18), and Underage #5, actual date of birth 12/05/2002 (age 18), stated they did not have any false identification and were not asked by the goPuff delivery driver to provide identification. Id.
17. At approximately 9:45 p.m., Investigators David, Gardner, and Chief Mahony entered the licensed premises of goPuff and spoke to an employee who provided Investigators with a computer printout documenting the sale of alcoholic beverages and the delivery of the alcohol to the individuals outside of 129 Monadnock Road. Id.
18. The four males informed Investigators they were freshman students at Boston College. Id.
19. Investigators advised the employee and, and again via telephone, Mr. Liao, of the violation. Id.
20. Further investigation revealed that GB LL Holdings MA LLC d/b/a Go Puff is owned by GB LL Holdings LLC and funded by GoBrands Inc. Both of these companies are located at 454 North 12th Street in Philadelphia, Pennsylvania. Id.

21. The Express Transportation Permit, XM-LIC-000474, posted in the licensed premises of goPuff is issued to GB Logistics LLC d/b/a Go Puff with a business address of 454 North 12th Street in Philadelphia, Pennsylvania. Id.

Friday, November 19, 2021.

22. On Friday, November 19, 2021, Investigators Anderson, Cutter, Fleming, Gardner, Gould, Terasconi, Keefe, Smith, and Temple (“Investigators”), inspected GB LL Holdings MA LLC d/b/a Go Puff (the “Licensee” or “Go Puff”) and GB Logistics LLC (the “Licensee” or “Logistics”) to investigate a complaint filed with this Commission. (Testimony, Exhibit 2)
23. At approximately 5:30 p.m., while on Cotton Street in Newton, Massachusetts, Investigators observed two youthful appearing female individuals seated on the curb, wearing backpacks which appeared to be empty. Cotton Street is in a residential area outside of Boston College’s Newton Campus. Id.
24. At approximately 5:45 p.m., Investigators observed a dark sedan park in front of the two females. The driver was observed requesting identification from one of the females, and then delivering a blue goPuff bag to her. It was later confirmed that the bag contained alcoholic beverages. The female placed the goPuff bag inside her backpack. Id.
25. Investigators approached the vehicle’s driver and two individuals, identified themselves and asked the driver if he had delivered alcoholic beverages to the female. He answered in the affirmative and stated he worked for goPuff. Investigators then requested the female individual provide proof of legal age to possess alcoholic beverages. Id.
26. Underage #6, actual date of birth 4/29/2003 (age 18), presented Investigators with a fraudulent Connecticut driver’s license bearing her name and address but with a different birth date. Underage #6 was in possession of two 1.75 milliliter bottles of Svedka vodka and one box of Bota Chardonnay. Underage #6 stated she was a freshman at Boston College. Id.
27. Underage #6 informed Investigators she provided the driver with the same fraudulent Connecticut driver’s license and explained that the transaction took a long time because her fraudulent identification would not scan, so the driver had to manually enter the information. Id.
28. At approximately 9:10 p.m., Investigators Temple, Keefe, and Chief Mahony entered the licensed premises of goPuff. Investigators spoke to employees on duty who provided computer printouts documenting the sale and delivery of the alcoholic beverages to the underage individual on Cotton Street. Id.
29. Again, Investigators spoke via telephone to Mr. Liao and informed him of the violation. Id.
30. Chief Mahony stated Mr. Liao needed to do a better job preventing the sale and delivery of alcohol to minors. Mr. Liao responded, “That is out of our hands. We have no control over the drivers and operations. We only have control over what’s in the building.” Id.

31. Mr. Liao stated the drivers are 1099 and are an independent company. Mr. Liao stated that all they do is follow their system and dispatch the drivers. Mr. Liao further stated the system scans identifications and then gives the driver a green light to deliver. Id.
32. Mr. Liao was asked if the drivers receive training and stated that he did not know, as the drivers are contracted with another company. Id.
33. On Friday, November 19, 2021, at approximately 5:40 p.m., Investigator Keefe conducted surveillance of goPuff located at 82-84 Needham Street, Newton, Massachusetts in response to information that underage students were obtaining alcoholic beverages through delivery services. Id.
34. Investigator Keefe observed employees loading alcoholic beverages into a vehicle which then exited the parking lot. Investigator Keefe followed the vehicle from 84 Needham Street to Crosby Road, Chestnut Hill, Massachusetts. Crosby Road is located one street away from freshman dormitories at Boston College. Id.
35. Investigator Keefe observed the vehicle pull up alongside two youthful appearing male individuals standing on the sidewalk holding duffle bags. Investigator Keefe observed the driver deliver alcoholic beverages to one of the youthful appearing male individuals. Id.
36. Investigator Keefe approached the vehicle and individuals, identified himself, and requested identification. Id.
37. Underage #7, actual date of birth 6/23/2003 (age 18), was in possession of one 30-pack of Natural Light beer; one 12-pack of Twisted Tea malt beverage; one 12-pack of White Claw Surge Variety hard seltzer; and one 750 milliliter bottle of New Amsterdam Pink Whitney vodka. Underage #7 was in possession of a fraudulent New Jersey driver's license. Id.
38. Underage #7 informed the Investigator that he placed the order via the goPuff app using a house number near campus and waited for it to arrive. Id.
39. Investigator Keefe asked the driver if he had checked the identifications of the two male individuals. He stated he was just about to do so when Investigator Keefe approached them. Investigator Keefe asked to see his transportation permit, but the driver was unable to provide one. Id.
40. At approximately 7:40 p.m., Investigator Keefe and Chief Mahony observed goPuff employees loading alcoholic beverages into a black sedan which then exited the parking lot. Investigator Keefe followed the sedan from 84 Needham Street to Priscilla Road, Chestnut Hill, Massachusetts. Priscilla Road is an approximately two-minute walk from the Boston College campus and freshman dormitories. Id.
41. Investigator Keefe observed four youthful appearing male individuals with duffle bags approach the black sedan. One male individual approached the driver who handed him alcoholic beverages. Id.
42. A separate youthful appearing male, aside from the group of four, approached the driver of the black sedan and received alcoholic beverages as well. Id.

43. Investigator Keefe approached the vehicle and group of four individuals, identified himself, and asked for identification. Id.
44. The group of four male individuals stated they were under the age of 21. Id.
45. Underage #8, actual date of birth 3/09/2003 (age 18), had a fraudulent New York driver's license. Underage #8 was in possession of one 750 milliliter bottle of Svedka vodka; one 30-pack of Natural Light beer; and one 750 ml bottle of Jose Cuervo Especial Silver tequila. Id.
46. Underage #9, actual date of birth 3/13/2002 (age 19), had a fraudulent Connecticut driver's license. Underage #9 was in possession of one 1.75 ml bottle of Svedka vodka and one 750 ml bottle of Four Roses Small Batch Bourbon. Id.
47. Investigator Keefe spoke to the driver of the black sedan who provided him with a photocopy of the transportation permit. The driver stated he requested identification from the two individuals to whom he delivered alcoholic beverages and was given a New York and a Connecticut license. Id.
48. At approximately 9:10 p.m., Chief Investigator Mahony, Investigator Keefe and Investigator Temple entered the goPuff licensed premises and spoke to employees who provided documentation regarding the two sales detailed above. Id.
49. Later on Friday, November 19, 2021, Investigators Anderson, Cutter, Gardner, Gould, Fleming, Terasconi, and Smith were informed by Chief Mahony that a vehicle was leaving the goPuff premises at 82-84 Needham Street with a large delivery of alcoholic beverages for 22 Lake Street, Brighton. Id.
50. Investigators traveled to 22 Lake Street, Brighton to conduct surveillance. They were joined there by Investigators Keefe, Temple, and Chief Mahony. Id.
51. At approximately 10:15 p.m., Investigator Temple observed a blue vehicle with a goPuff logo on the side door, stop in front of two youthful appearing male individuals and deliver alcoholic beverages which were placed into a backpack. Id.
52. Investigators approached the males, identified themselves and inquired about the transaction with goPuff. The males admitted they were under 21 years of age. Id.
53. Underage #10, actual date of birth 9/16/2002 (age 19), presented to Investigators a fraudulent New Jersey driver's license in his own name with a different birth date. He was in possession of one 12-pack of Bud Light beer. Id.
54. At approximately 10:20 p.m., Investigators observed a vehicle, previously seen leaving the goPuff location with a large amount of alcohol, arrive on Lake Street. Id.
55. Investigators observed several youthful appearing individuals, with rolling suitcases and duffle bags, approach the vehicle. One of the individuals went and spoke to the driver of the vehicle. The vehicle then departed the area without delivering the alcoholic beverages. Id.

Thursday, December 2, 2021.

56. On Thursday, December 2, 2021, Investigators Keefe, Anderson, Velez, Quinn, Bolcome, Temple, and Terasconi ("Investigators") inspected GB LL Holdings MA LLC d/b/a goPuff as part of an ongoing investigation regarding underage students obtaining alcoholic beverages through their delivery service. (Testimony, Exhibit 3)
57. At approximately 8:15 p.m., while outside the licensed premises of goPuff at 82-84 Needham Street, Investigators Keefe and Quinn observed employees loading alcoholic beverages into a vehicle. Investigators Keefe and Quinn followed the vehicle from 84 Needham Street to the area of 46 Mill Street, Newton, Massachusetts. 46 Mill Street is located near Boston College's freshman dorms. Id.
58. Investigator Keefe observed the vehicle pull-up alongside three youthful appearing male individuals standing on the sidewalk with backpacks and bags. Id.
59. Investigator Keefe observed the driver speak with the youthful appearing male individuals, and then hand over alcoholic beverages to two of them. Id.
60. At approximately 8:36 p.m., Investigators Keefe and Quinn approached the vehicle and group of three individuals, identified themselves, and asked the males for identification and their age. Id.
61. Underage #11, actual date of birth 2/26/2003 (age 18), presented to Investigators a fraudulent Indiana driver's license. Underage #11 purchased the alcohol. He informed Investigators he placed the order through the goPuff app and indicated a house address near campus. He then went to that address to wait for the alcoholic beverages to be delivered. He stated he was a freshman at Boston College. Id.
62. Underage #12, actual date of birth 4/09/2003 (age 18), presented to Investigators a fraudulent Delaware driver's license. He told Investigators he was a freshman at Boston College. Id.
63. The Underage Individuals were in possession of two 1.5L bottles of Barefoot Cellars wine; one 24-pack of Coors Light beer; and one 1.75L bottle of Svedka vodka. Id.
64. Investigator Keefe spoke with the driver who stated he had checked the identification of each customer. Id.
65. Investigators then returned to the goPuff premises to continue observations. At approximately 8:45 p.m., Investigators observed alcoholic beverages being placed into a vehicle. The vehicle left the parking lot and Investigators followed it to 63 Alderwood Road, Newton. This location is also close to Boston College. Investigators observed two youthful appearing female individuals exit an SUV and walk toward the house at 63 Alderwood Road. Id.
66. At approximately 8:54 p.m., Investigators observed the delivery vehicle approach the two females standing near 63 Alderwood Road. The females approached the vehicle and were

- each handed a large goPuff bag, later determined to contain four bottles of Barefoot Cellars wine. Id.
67. Investigator Quinn approached the vehicle and group of two females, identified herself, and asked to see identification and proof of legal age to possess alcoholic beverages. Id.
 68. The females indicated they were under 21 years of age and that each had separately placed an order for alcoholic beverages on the goPuff app.
 69. Underage #13, actual date of birth 6/12/2003 (age 18), presented to Investigators a fraudulent Ohio driver's license. She was in possession of four 1.5L bottles of Barefoot Cellars wine. Id.
 70. Underage #14, age 18, presented a fraudulent Rhode Island driver's license. She was in possession of four 1.5L bottles of Barefoot Cellars wine. Id.
 71. Investigator Keefe spoke with the driver who stated he had checked the identification of each customer. Id.
 72. At approximately 10:25 p.m., Investigators Keefe, Quinn, Anderson, Bolcome, and Chief Mahony entered the licensed premises of goPuff in Newton. Investigators spoke with Mr. Liao and informed him of the violations. Mr. Liao provided computer printouts of the sale and delivery of the sales of alcoholic beverages to the underage individuals on Alderwood Road. Id.
 73. On Thursday, December 2, 2021, at approximately 9:40 p.m., Investigators Anderson and Bolcome conducted surveillance outside the licensed premises of goPuff. Id.
 74. Investigators observed employees loading a large quantity of alcoholic beverages from the licensed premises into a Toyota Prius. Investigators Anderson and Bolcome followed the vehicle from 84 Needham Street to 45 Priscilla Road, Chestnut Hill, Massachusetts. Id.
 75. As they approached 45 Priscilla Road, Investigators observed a youthful appearing male individual carrying a black duffel bag attempting to catch up to the Prius. Investigators continued to observe and the male with the duffel bag approached the delivery vehicle and provide identification to the driver. The driver then delivered to the male individual two 12-packs of Budweiser beer; one 12-pack of Truly hard seltzer; and one 750 milliliter bottle of New Amsterdam Pink Whitney vodka. Id.
 76. Investigators approached the youthful appearing male individual, identified themselves, and asked the male his age. The male sprinted away toward the direction of Boston College Residence halls, leaving behind the black duffel bag containing the alcoholic beverages. The duffel bag contained a name tag with the name of a male and a New York address, along with a letter addressed to the same individual. Id.
 77. Investigators spoke to the delivery driver who stated he worked for goPuff and was delivering an alcoholic beverages order. He provided Investigators with the order number for this sale, 6042771988, which had been placed using the goPuff app. When asked for

his transportation permit, he provided to Investigators an Express Transportation Permit for GB Logistics LLC. Id.

78. At approximately 10:30 p.m., Investigators Keefe, Quinn, Anderson, Bolcome, and Chief Mahony entered the licensed premises of goPuff in Newton, Massachusetts. Investigators again spoke to Mr. Liao and provided him with the order number obtained from the delivery driver. Mr. Liao in turn provided computer printouts of the sale and delivery of the alcoholic beverages to the individual on Priscilla Road. The documents indicated the recipient's name in the form of an email address. Id.
79. Investigators advised Mr. Liao of the violations which occurred on December 2, 2021. Id.
80. Investigator Bolcome conducted a comprehensive search for the male who fled on Priscilla Road. He based his search on the male's New York address found on the envelope on the bag he left behind, including searching on New York State Board of Elections Voter Registration and Facebook. New York Voter Registration listed the name and address for Underage #14, with a date of birth of 10/5/2002 (age 19). Investigator Bolcome also found a Facebook profile with a picture. He recognized the person in the picture on Facebook as the individual he observed accepting delivery on December 2, 2021 on Priscilla Road. Id.
81. Also on Thursday night, December 2, 2021, Investigators Temple, Velez, and Terasconi ("Investigators") were conducting surveillance near Boston College to investigate a complaint filed with this Commission regarding underage students obtaining alcoholic beverages through delivery services. Id.
82. Investigators observed a youthful appearing male individual walking in a residential area outside of Boston College's Newton campus near Old Orchard Street. The male individual was wearing a backpack which appeared to be empty. Id.
83. At approximately 9:50 p.m., Investigators observed a red Toyota Camry park in front of 40 Old Orchard Street and watched the male individual approach the vehicle. The driver of the motor vehicle appeared to request identification from the male and then delivered to him two 30-packs of Natural Light beer. Id.
84. Investigators approached the vehicle and youthful appearing male individual, identified themselves, and asked the driver if he had delivered alcoholic beverages to the youthful appearing male. The driver answered in the affirmative and stated that he worked for goPuff. Id.
85. Investigators asked to see the driver's transportation permit. He stated he did not have a transportation permit but provided Investigators with his "R-serving" identification card which states he is a certified alcohol server. Investigators asked the driver about his training on identification cards. He stated he checks the name and date of birth on licenses and is not allowed to accept school identifications. Id.
86. Investigators then asked the youthful appearing male to produce identification. He admitted he was under 21 years of age. Id.

87. Underage #15, actual date of birth 5/14/2002 (age 19), informed Investigators he had placed the order for alcoholic beverages using the goPuff app and used a fraudulent New York license for the purchase. Id.
88. Underage #15, provided Investigators with his order from the goPuff app. The app indicated he had purchased alcohol on November 5th, November 20th, and December 2, 2021. He stated he was a freshman student at Boston College, and it was common knowledge throughout the campus that minors could use goPuff to obtain alcoholic beverages. Id.
89. At approximately 10:25 p.m., Investigators Keefe, Quinn, Anderson, Bolcome, and Chief Mahony entered the licensed premises of Go Puff in Newton, Massachusetts. Investigators again spoke with Mr. Liao, advised him of the violations and requested receipts for the orders to the underage individuals. Mr. Liao provided said documentation. Id.

Wednesday, December 8, 2021.

90. On Wednesday, December 8, 2021, Investigators David and Bolcome (“Investigators”), conducted surveillance outside the licensed premises of goPuff to determine the manner in which its business was being conducted. (Testimony, Exhibit 4)
91. At approximately 7:30 p.m., while outside the licensed premises of goPuff, Investigator Gardner observed an employee exit the licensed premises with alcoholic beverages which were loaded into a white Honda. Investigators David and Bolcome followed the vehicle from 84 Needham Street to 41 Commonwealth Avenue, Newton, Massachusetts. Id.
92. When the vehicle arrived at 41 Commonwealth Avenue, Investigators observed a youthful appearing male individual cross Commonwealth Avenue and approach the white Honda. Investigator Bolcome observed the male receive delivery of one 12-pack of Heineken beer from the driver of the vehicle. Id.
93. Investigators approached the youthful appearing male individual, identified themselves, and asked his age. The male informed Investigators he was 20 years old and presented his Connecticut Driver’s License, along with a fraudulent North Carolina Driver’s License. Id.
94. Underage #16, actual date of birth 8/25/2001 (age 20), stated he placed the order for alcoholic beverages using the goPuff app and used the fraudulent North Carolina license for the purchase. Id.
95. The delivery driver stated he worked for goPuff and was delivering an alcoholic beverage order. In response to the Investigators’ requests, the driver showed them the order on the app on his cell phone as well as an Express Transportation permit, issued to GB Logistics LLC. Id.
96. At approximately 8:00 p.m., Investigators Gardner and Bolcome entered the licensed premises of goPuff and spoke to Mr. Liao. Investigator Bolcome provided the order number obtained from the delivery driver to Mr. Liao and Mr. Liao provided Investigators with the receipt for the alcoholic beverage order to Underage #16. Id.

Violations which occurred Thursday, December 9, 2021.

97. On Thursday, December 9, 2021, Investigators Gould, Quinn, and Smith ("Investigators"), received information from Investigator Temple that a gray Toyota Rav 4 was departing the licensed premises of goPuff with alcoholic beverages. (Testimony, Exhibit 5)
98. Investigators Gould, Quinn, and Smith followed the vehicle to the area of Hammond Street, which is near two Boston College dormitories identified as Williams and Welch. Id.
99. At approximately 7:00 p.m., Investigators observed two youthful appearing male individuals approach the vehicle with an empty duffle bag. The driver of the vehicle delivered to the two males one 12-pack of Happy Daddy Hard Seltzers; one 750 milliliter bottle of Jägermeister liqueur, and two 750 milliliter bottles of Diving into Hampton Water Rose wine. The two youthful appearing male individuals placed the alcoholic beverages inside the duffel bag. Id.
100. The males walked away from the vehicle and toward Investigators. The vehicle left the location prior to the driver being identified by Investigators. Investigators approached the males, identified themselves and inquired about their transaction with goPuff. They admitted they were under 21 years of age. Id.
101. Underage #17, actual date of birth 6/7/2003 (age 18), stated to Investigators that he used a fraudulent Texas driver's license bearing the name of another person to purchase the alcoholic beverages. Underage #1 stated he lives in a Boston College dormitory. Id.
102. At approximately 10:45 p.m., Investigator Gould entered the licensed premises of goPuff and obtained a print-out of the order placed by Underage #17. The printed receipt identified the driver of the delivery vehicle with delivery instructions, "Welch Hall by traffic cones." Id.
103. On Thursday, December 9, 2021, at approximately 8:15 p.m., Investigators Kenny, Temple, Velez, and Anderson ("Investigators") were conducting surveillance of the licensed premises of goPuff. Id.
104. While outside the licensed premises Investigator Temple observed an employee exit the licensed premises with a 30-pack of Natural Light beer and a goPuff bag which were loaded into a black Jeep Cherokee. Investigators Kenny, Velez, and Anderson then followed the vehicle from 84 Needham Street to 28 Commonwealth Avenue, Chestnut Hill, Massachusetts where it parked by the curb. Id.
105. Investigators observed a youthful appearing male individual approach the parked vehicle and receive alcoholic beverages: a blue goPuff bag and one 30-pack of Natural Light beer. Id.
106. Investigators Kenny and Anderson approached the vehicle and the male individual, identified themselves and asked to see the driver's transportation permit. She did not have a transportation permit but provided Investigator Velez with a TIPS card. Id.

107. Investigators Kenny and Anderson asked the male to provide his identification. He produced his Boston College Identification. He was then asked for his driver's license and he stated he did not have one. Id.
108. Underage #18, actual date of birth 9/28/2001 (age 20), stated the driver did not request any identification. Underage #18 stated he placed the order for alcoholic beverages using the goPuff app. Investigators opened the goPuff bag and found two 16-ounce cans of Four Loko. Id.
109. At approximately 10:45 p.m., Investigators entered the licensed premises of goPuff and spoke to Mr. Liao, informed him of the violation that occurred and requested receipts for the order to Underage #18 which he provided. Id.
110. On Thursday, December 9, 2021, at approximately 8:20 p.m., Investigators Quinn, Smith, and Gould ("Investigators") conducted surveillance of the licensed premises of goPuff given information received as to the Licensee selling and delivering alcoholic beverages to minors. Id.
111. While outside the licensed premises, Investigator Temple observed employees exit the establishment with a large quantity of alcoholic beverages which they loaded into a black Honda. Investigators Quinn, Smith, and Gould followed the black Honda vehicle from 84 Needham Street to 34 Lake Street, Brighton, Massachusetts. The vehicle did not stop at any other locations. Id.
112. Upon arriving at 34 Lake Street, Investigators observed a youthful appearing male individual standing on the side of the road in front of a residence. They observed two other individuals standing around the corner behind some bushes. Id.
113. Investigators observed the male give what appeared to be an identification to the driver of the vehicle, who then delivered to him two 30-packs of Natural Light beer and a goPuff bag. Investigators then observed the male bring the alcoholic beverages to the other two individuals waiting a short distance away. Id.
114. Investigators approached the vehicle and youthful appearing male individuals, identified themselves, and asked to see identification. Id.
115. Underage #19, actual date of birth 12/06/2001 (age 20), provided Investigators with a fraudulent Michigan driver's license and provided his true Pennsylvania Driver's License. Id.
116. Investigator Smith spoke to the driver of the vehicle who stated he worked for goPuff. Investigator Smith asked to see his transportation permit. He stated he did not have such a permit and had no knowledge of one being issued. Id.
117. At approximately 10:45 p.m., Investigators Gould and Velez entered the licensed premises. Investigators spoke to an employee and requested a print-out of the alcoholic beverage order delivered to 34 Lake Street. Id.

118. Investigators then spoke with the employee and again Mr. Liao, advised them of the violations which occurred on December 9, 2021, and that a report would be filed with the Chief Investigator for further action. Id.

119. Sometime after December 9, 2021, the Licensees instituted changes to their policies and procedures regarding the sale and delivery of alcoholic beverages. Said changes covered multiple areas including structural, operational, training and communication, internal compliance checks, technology, signage, and policy improvements. (Testimony)

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 law is well-settled that the responsibility of the licensee is to exercise sufficiently close supervision so that there is compliance with the law on the premises. A vendor who sells alcohol is "bound at his own peril to keep within the condition of his license." Commonwealth v. Gould, 158 Mass. 499, 507 (1893); Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Comm'n, 7 Mass. App. Ct. 186, 190 (1979). It is, thus, quite possible for a licensee to offend the regulatory scheme without scienter. Rico's of the Berkshires, Inc. v. Alcoholic Beverages Control Comm'n, 19 Mass. App. Ct. 1026, 1027 (1985).

GB LL Holdings MA LLC d/b/a goPuff, is charged with a 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. (19 counts). M.G.L. c. 138, § 34 states, in pertinent part, that: "[w]hoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under twenty-one years of age ... shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both." M.G.L. c. 138, § 34.

GB Logistics LLC is charged with a violation of the aforementioned M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (19 counts) and a violation of M.G.L. c.. 138 § 22 (6 counts). M.G.L. c. 138 § 22 states in pertinent part, that "Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof;...and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation and shall, in the discretion of the commission, be sufficient cause for the suspension, cancellation, revocation or forfeiture of such permit." M.G.L. c. 138, § 22.

The Commission was presented with evidence and the Licensees stipulated that they sold and/or delivered alcoholic beverages to multiple patrons under the age of twenty-one. Direct evidence was presented through the investigators' testimony as to their observations regarding the sale and delivery of alcoholic beverages to persons under the age of twenty-one, as well as through documentation provided to Investigators by the Licensee. Said sales took place on 5 different dates. (Exhibits 1, 2, 3, 4, 5, 8) The Commission is struck by the fact that Investigators notified goPuff's Manager of Record after the first sale and/or delivery, and again after each sale and/or delivery that followed, but despite being informed of the initial sale and all that came after it, no action was seemingly taken to prevent additional sales and/or deliveries to patrons under the age of twenty-one. (See Id.)

The Licensee provided information as to changes to policies and procedures made in an effort to prevent future sales to persons under the age of twenty-one. However, while these efforts are arguably substantial, they should have been put forth once the first sale was reported to the manager at the licensed premises on November 18, 2021. The Licensee was given an opportunity to change their policies and procedures after each subsequent sale and/or delivery was reported to the manager at the licensed premises on 4 separate dates of November 19, 2021, December 2, 2021, December 8, 2021 and December 9, 2021. Under M.G.L. c. 138, the Licensee has a duty to make sales only to persons over the age of twenty-one. M.G.L. c. 138, § 34.

This set of facts presents a case of first impression for the Commission. Here the Licensees admitted to multiple sales and deliveries over 5 dates between November 18, 2021, and December 9, 2021, wherein 19 persons under the age of twenty-one were furnished with alcoholic beverages. In some instances, large quantities of alcoholic beverages were delivered and in many instances the underage individuals were waiting for said deliveries on a sidewalk or were observed approaching the delivery vehicles with empty duffle bags and/or hockey bags. The Commission has previously revoked a license for multiple violations within a relatively short period of time. See Hong Kong Restaurant, Inc. (ABCC Decision December 21, 2001) (revocation appropriate for multiple instances of selling to minors and selling to intoxicated persons.); Five Tots, Inc. (ABCC Decision August 31, 2000) (revocation appropriate where there were three instances of sale to persons under the age of twenty-one and sale to intoxicated individuals over the course of a month) Debbie Wong Restaurant Inc., #3 (ABCC Decision April 15, 1998) (revocation appropriate where there were several instances of sales to minors and sales to intoxicated individuals over the course of one month.) The facts in the above cases do not rise to the level of those in the matter at hand. However, none of those Licensees stipulated to the complete set of facts alleged by Investigators.

The Commission is persuaded by the evidence that GB LL Holdings MA, LLC d/b/a goPuff and GB Logistics LLC sold and delivered alcoholic beverages to persons under twenty-one years of age. The Commission finds that the Licensees committed a 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 (19 counts), and GB Logistics LLC committed a violation of M.G.L. c. 138 § 22 Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof; and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation (6 counts).

CONCLUSION

Based on the evidence, the Commission finds GB LL Holdings MA LLC, d/b/a Go Puff violated M.G.L. Ch. 138 § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (19 counts); and

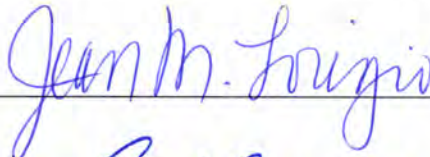
Based on the evidence, the Commission finds GB Logistics LLC violated:

- 1) M.G.L. Ch. 138 § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (19 counts); and
- 2) M.G.L. Ch. 138 § 22 Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof; and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation (6 counts).

As a result, the Commission SUSPENDS the license of GB LL Holdings MA LLC, d/b/a Go Puff and the license of GB Logistics LLC for a period of ONE YEAR and 30 DAYS.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: November 14, 2023

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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2022-000011-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Melissa Anderson, Investigator
David Bolcome, Investigator
Robert Gardner, Investigator
Brian Gould, Investigator
Dennis Keefe, Investigator
Katelyn Quinn, Investigator
Nicole Smith, Investigator
Christopher Temple, Investigator
Nicole Terasconi, Investigator
Nicholas Velez, Investigator
John P. Connell, Esq.
Joseph H. Devlin, Esq.
Louis Cassis, Esq.
Thaddeus Heuer, Esq.
Admin, File



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

November 14, 2023

GB LL HOLDINGS MA LLC D/B/A GOPUFF
82-84 NEEDHAM STREET
NEWTON, MA 02461
LICENSE#: 89546-PK-0800
HEARD: 3/7/2022

After a hearing on March 7, 2022, the Commission finds GB LL Holdings MA LLC d/b/a goPuff violated M.G.L. Ch. 138 § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (19 counts).

The Commission **SUSPENDS the license of GB LL Holdings MA LLC, d/b/a Go Puff for a period of ONE YEAR and 30 DAYS to be served.**

The suspension shall commence on Monday, January 8, 2024, and terminate on Thursday, February 6, 2025. The license will be delivered to the Local Licensing Board or its designee on Monday, January 8, 2024, at 9:00 A.M. It will be returned to the licensee on February 7, 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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2022-000011-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
John P. Connell, Esq.
Joseph H. Devlin, Esq.
Louis Cassis, Esq.
Thaddeus Heuer, Esq.
Admin, File



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

November 14, 2023

**GB LOGISTICS LLC
454 NORTH 12TH STREET
PHILADELPHIA, PA 19123
LICENSE#: XM-LIC-000474
HEARD: 3/7/2022**

After a hearing on March 7, 2022, the Commission finds GB Logistics LLC violated:

- 1) M.G.L. Ch. 138 § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. (19 counts);
- 2) M.G.L. Ch. 138 § 22 Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof; and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation. (6 counts).

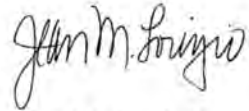
The Commission **SUSPENDS the license of GB LL Holdings MA LLC, d/b/a Go Puff for a period of ONE YEAR and 30 DAYS to be served.**

The suspension shall commence on Monday, January 8, 2024, and terminate on Thursday, February 6, 2025. The license will be delivered to the Alcoholic Beverages Control Commission or its designee on Monday, January 8, 2024, at 9:00 A.M. It will be returned to the licensee on February 7, 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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2022-000011-ad-enf

- cc: Local Licensing Board
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