

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

**Jean M. Lorizio, Esq.**  
*Chairman*

NOTICE OF SUSPENSION

March 16, 2022

**OP ENTERPRISES INC. D/B/A MR. K'S WINE & SPIRITS**  
**980 BOYLSTON STREET**  
**NEWTON, MA 02461**  
**LICENSE#: 00102-PK-0800**  
**VIOLATION DATE: 11/04/2021**  
**HEARD: 1/18/2022**

After a hearing on January 18, 2022, the Commission finds OP Enterprises Inc. d/b/a Mr. K's Wine & Spirits violated 204 CMR M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). The Commission **suspends the license for a period of one (1) day to be served.**

**The suspension shall commence on Monday, May 9, 2022 and terminate on Monday, May 9, 2022.** The license will be delivered to the Local Licensing Board or its designee on Monday, May 9, 2022 at 9:00 A.M. It will be returned to the licensee on May 10, 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.

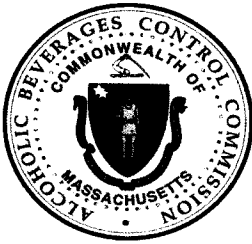
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio  
Chairman

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Michael Teehan, Investigator  
Mark Kenny, Investigator  
Matthew Porter, Esq.  
Administration, File



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Alcoholic Beverages Control Commission  
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*Chairman*

**DECISION**

**OP ENTERPRISES INC. D/B/A MR. K'S WINE & SPIRITS  
980 BOYLSTON STREET  
NEWTON, MA 02461  
LICENSE#: 00102-PK-0800  
VIOLATION DATE: 11/04/2021  
HEARD: 1/18/2022**

OP Enterprises Inc. d/b/a Mr. K's Wine & Spirits (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 18, 2022, regarding an alleged violation of 204 CMR M.G.L. Ch. 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 facts alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report;
2. ABCC License Approval, 6/30/2016;
3. Photographs of Fraudulent Driver's License Confiscated;
4. Licensee's Stipulation of Facts.

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

**FINDINGS OF FACT**

1. On Thursday, November 4, 2021, at approximately 7:10 p.m., Investigators Kenny and Teehan ("Investigator") conducted an inspection of the business operation of OP Enterprises Inc. d/b/a Mr. K's Wine & Spirits.
2. While outside the licensed premises, Investigators observed a youthful appearing male individual exit the store with a 30-pack of Bud Light beer and a 12-pack of White Claw Hard Seltzer. Investigators identified themselves and asked him his age.

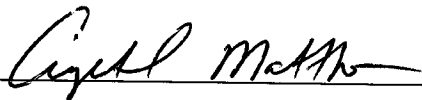
3. Underage #1, actual date of birth 1/14/2004 (age 17), presented to Investigators a fraudulent Massachusetts driver's license which he stated he used to purchase the alcoholic beverages.
4. Based on their training and experience, Investigators determined the Licensee did not use reasonable reliance in accepting the fraudulent identification. Underage #1 was clearly youthful in appearance and Investigators determined a reasonable person should have been able to see he was under 21 years of age.
5. Investigators informed the manager, Nitesh Patel, of the violation and that a report would be filed with the Chief Investigator for further action. Mr. Patel is also part owner of the licensee entity.
6. Mr. Patel appeared at the Commission's hearing. The Commission was informed the licensee is vigilant about requesting identification from every patron and all employees are TIPS certified. They utilized a scanner on the night of the Investigators' visit but the fraudulent Massachusetts identification scanned as legitimate. The Licensee has since purchased a new, state of the art, scanner.
7. The Licensee has held a license under M.G.L. c. 138, § 15 since 2016 with no prior violations.

#### CONCLUSION

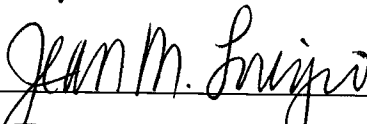
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). Therefore, the Commission **suspends the license for a period of one (1) day.**

#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

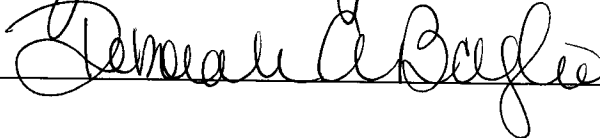
Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Deborah Baglio, Commissioner



Dated: March 16, 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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