



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

October 25, 2019

**PDJ VENTURE LLC D/B/A NEWTON WAREHOUSE WINES & SPIRITS
241 NEEDHAM STREET
NEWTON, MA 02465
LICENSE#: 89365-PK-0800
VIOLATION DATE: 5/18/2019
HEARD: 9/03/2019**

After a hearing on September 3, 2019, the Commission finds PDJ Venture LLC d/b/a Newton Warehouse Wines & Spirits violated 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale of delivery of an alcoholic beverage to a person under twenty-one years of age (1 count).

The Commission suspends the license for a period of two (2) days.

The suspension shall commence on Monday, December 16, 2019 and terminate on Tuesday, December 17, 2019. The license will be delivered to the Local Licensing Board or its designee on Monday, December 16, 2019 at 9:00 A.M. It will be returned to the Licensee on December 18, 2019.

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.

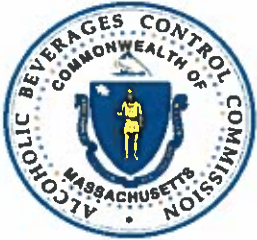
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

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
Christopher Temple, Investigator
Nicholas Velez, Investigator
Administration, File



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DECISION

**PDJ VENTURE LLC D/B/A NEWTON WAREHOUSE WINES & SPIRITS
241 NEEDHAM STREET
NEWTON, MA 02465
LICENSE#: 89365-PK-0800
VIOLATION DATE: 5/18/2019
HEARD: 9/03/2019**

PDJ Venture LLC d/b/a Newton Warehouse Wines & Spirits (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, September 3, 2019, 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 of delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report;
2. Licensee Stipulation of Facts;
3. Photocopy of Fraudulent California Driver's License;
4. Photocopy of Massachusetts Junior Operator's License; and
5. Licensee's Application Summary Review Approved 7/19/2018.

A. Photocopy of Identification Scanner Printout.

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

FINDINGS OF FACT

1. On Saturday, May 18, 2019, Investigators Velez and Temple ("Investigators") conducted an investigation of the business operation of PDJ Venture LLC d/b/a Newton Warehouse Wines & Spirits to determine the manner in which its business was being conducted.

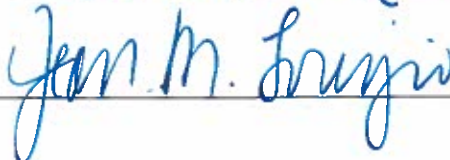
2. At approximately 8:10 p.m., Investigators observed youthful appearing individuals in a motor vehicle enter the parking lot of the licensed premises. Investigators observed one youthful appearing male enter the premises, later exit the store in possession of alcoholic beverages, and place the alcohol in the motor vehicle. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 8/01/2001 (age 17), was in possession of a 1.75-liter bottle of Jack Daniels whiskey and a 1.75-liter bottle of Jose Cuervo tequila. He presented to Investigators a fraudulent California driver's license in his own name with a different date of birth.
4. Investigators contacted the father of the underage male and informed him of what occurred.
5. Investigators entered the licensed premises and spoke with the owner and manager of record, Yervand Ghazaryan. Ghazaryan informed Investigators that he had scanned the identification presented by the underage patron, and he had asked for backup identification since he thought the patron looked young.
6. Investigators informed Ghazaryan of the above violation, and that a report would be filed with the Chief Investigator for review.
7. The Licensee has two scanners and utilized them in this instance. The identification scanned as legitimate.
8. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2018 with no prior violations.

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 of delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission **suspends the license for a period of two (2) days to be served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Jean M. Lorizio, Chairman 

Dated: October 25, 2019

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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