



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**PDJ VENTURE LLC D/B/A NEWTON WAREHOUSE WINES & SPIRITS
241 NEEDHAM STREET
NEWTON, MA 02465
LICENSE#: 89365-PK-0800
VIOLATION DATE: 5/16/2019
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 (3 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee Stipulation of Facts;
3. Photocopy of Fraudulent Driver's Licenses;
4. 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 Thursday, May 16, 2019, Investigators Keefe and Di Cicco ("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 8:35 p.m., Investigators observed a motor vehicle in the parking lot of the licensed premises. The vehicle contained four youthful appearing individuals. Investigators observed one youthful appearing male enter the premises and later then exit

the store in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.

3. Underage #1, actual date of birth 9/28/1999 (age 19), was in possession of: a 30-pack of Bud Light beer; a 30-pack of Natural Light beer; a 12-pack of White Claw Spiked Seltzer, and a 1.75-liter bottle of Svedka vodka. He presented to Investigators a fraudulent Pennsylvania driver's license in his own name with a different date of birth.
4. While Investigators were conducting their investigation, they observed another motor vehicle, occupied by two youthful appearing individuals, enter the parking lot. Investigators observed one youthful appearing male enter the premises, exit in possession of alcoholic beverages, and place the alcohol in the vehicle. Investigators identified themselves and asked to see proof of legal age.
5. Underage #2, actual date of birth 10/19/1999 (age 19), was in possession of three 12-packs of White Claw Spiked seltzer; one 750 ml bottle of Jose Cuervo tequila; and one 750 ml bottle of Tito's vodka. He presented to Investigators a fraudulent California driver's license in his own name. When Investigators asked for his real identity, he presented his genuine Massachusetts driver's license to them.
6. At approximately 9:25 p.m., Investigators observed a motor vehicle in the parking lot of the licensed premises. The vehicle contained two youthful appearing individuals. Investigators observed one of these youthful appearing individuals enter the premises and later then exit the store in possession of alcoholic beverages. He placed the alcohol inside the motor vehicle. Investigators identified themselves and asked to see proof of legal age.
7. Underage #3, actual date of birth 11/09/1998 (age 20), was in possession of two 30-packs of Natural Light beer and one 24-oz. can of Modelo beer. He presented to Investigators a fraudulent California driver's license.
8. Later in the evening Investigators entered the licensed premises and spoke with the owner and manager of record, Yervand Ghazaryan, and his employee, Chris Vousboukis. Investigators informed Ghazaryan of the violations which occurred during their enforcement operation.
9. Ghazaryan informed Investigators that he and Vousboukis were the only employees working during the time of these incidents. Ghazaryan showed Investigators the sale records for the day and he confirmed the purchases.
10. Ghazaryan told Investigators that the store has working security cameras but he could not review the footage now as it is saved onto a hard drive at an off-site location.
11. Investigators informed Ghazaryan to maintain a copy of the security footage for the three incidents, which Ghazaryan agreed to do.
12. Investigators informed Ghazaryan of the above violations, and that a report would be filed with the Chief Investigator for review.
13. The Licensee has two scanners and utilized them in this instance. All three (3) identifications scanned as legitimate. The Licensee testified that he even asked questions of the patrons, concerning personal information, and requested additional back-up identification.

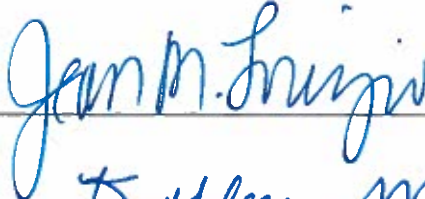
14. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2018 with no prior violations.

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 (3 counts). Therefore, the Commission **suspends the license for a period of three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Administration, File