



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 24, 2025

**BRADHILL LIQUORS LLC D/B/A WINE AND BEER AT THE ANDOVERS
350 WINTHROP AVENUE
NORTH ANDOVER, MA 01845
LICENSE#: 90663-PK-0826
VIOLATION DATE: 12/07/2023
HEARD: 4/23/2024**

After a hearing on April 23, 2024, the Commission finds Bradhill Liquors LLC d/b/a Wine and Beer at the Andovers violated M.G.L. Ch. 138 § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts). The Commission **suspends the license for a period of two (2) days to be served.**

The suspension shall commence on Monday, April 7, 2025, and terminate on Tuesday, April 8, 2025. The license will be delivered to the Local Licensing Board or its designee on Monday, April 7, 2025, at 9:00 A.M. It will be returned to the licensee on April 9, 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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2024-000005-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Katherine McCormick, Esq., Associate General Counsel
Joe Di Cicco, Investigator
Dennis Keefe, Investigator
Katelyn Quinn, Investigator
John P. Connell, Esq.
Administration, File



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DECISION

**BRADHILL LIQUORS LLC D/B/A WINE AND BEER AT THE ANDOVERS
350 WINTHROP AVENUE
NORTH ANDOVER, MA 01845
LICENSE#: 90663-PK-0826
VIOLATION DATE: 12/07/2023
HEARD: 4/23/2024**

Bradhill Liquors LLC d/b/a Wine and Beer at the Andovers (the "Licensee" or "The Andovers") 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, April 23, 2024, regarding an alleged violation of M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 counts).

The following documents are in evidence:

1. Investigative Report of J. Di Cicco;
2. Photo of Fraudulent Identifications;
3. ABCC Licensing Authority Certification, Transfer of License Approved 10/27/2023;
- A. Invoice from ID Scanner Token Works;
- B. Description of Token Works Identification System Scanner;
- C. Subscription Renewal Receipt for IDentiFake Annual Software.

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

FINDINGS OF FACT

1. On Thursday, December 7, 2023, at approximately 6:35 p.m., Investigators Keefe, Quinn, and Di Cicco ("Investigators") inspected the business operation of Bradhill Liquors LLC d/b/a Wine and Beer at the Andovers ("Licensee"). (Testimony, Exhibit 1)
2. At approximately 6:35 p.m., Investigators observed a youthful appearing male individual inside the licensed premises who then exited the establishment with a large quantity of alcoholic beverages. Investigators approached the male, identified themselves and requested proof of legal age to purchase and/or possess alcoholic beverages. Id.

3. Underage #1, actual date of birth 6/17/2003 (age 20), was in possession of one 18-pack of Corona beer; one 12-pack of Coors Light beer; 10 50-ml bottles of Dr. McGillicuddy's Liqueur; and one 4-pack of High Noon Hard Seltzer. Underage #1 stated that he was 20 years of age and had used a German driver's license in another's name and birth date to purchase the alcoholic beverages. Id.
4. Investigators escorted Underage #1 back into the package store and identified the underage to the clerks on duty. Investigators requested that the clerks on duty contact an owner or manager and were put in touch with Niraj Patel. Investigators informed Mr. Patel of the violation; he stated that he would speak to the staff members on duty and would come to the licensed premises. Id.
5. As Investigators prepared to leave the area, they observed a group of youthful appearing male individuals enter the licensed premises. They also observed a youthful appearing female individual enter the establishment by herself. Id.
6. Investigators entered the licensed premises and observed the youthful appearing individuals in possession of and/or purchasing alcoholic beverages. Investigator approached, identified themselves and requested proof of legal age to purchase and/or possess alcoholic beverages. Id.
7. Underage #2, actual date of birth 12/08/2003 (age 20), was in possession of one 4-pack of Murphy's Stout beer and one 50-ML bottle of Johnny Walker Scotch. Underage #2 informed Investigator DiCicco he was under the age of 21 and had presented a fraudulent Rhode Island driver's license bearing his name but a different birth date when he purchased the alcoholic beverages. (Testimony, Exhibits 1, 2)
8. Underage #3, actual date of birth 2/02/2005 (age 18), was in possession of one 4-pack of High Noon Hard Seltzer, one 1.5-liter bottle of Barefoot wine; one 568-ml can of White Claw Hard Seltzer, and four 500-ml bottles of Beatbox Party Punch. She informed Investigator Quinn she was under the age of 21 and had presented a fraudulent Connecticut driver's license bearing her name but a different birth date when she purchased the alcoholic beverages. Id.
9. Investigators informed Niraj Patel and Vyomesh Patel of the violations and that a report would be submitted to the Chief Investigator for review. Id.
10. Vyomesh Patel, manager of record, and Niraj Patel appeared at the Commission's hearing with counsel. Mr. Niraj Patel testified that immediately after the incident the Licensee purchased a new and more reliable identification scanner. Employees have been trained to not only scan identifications but to also assess the patron standing in front of them to determine whether the person is 21 years of age or more. In addition, the Licensee has purchased an ID Guide for reference regarding out of state identification. (Testimony)
11. The Licensee has held a license under M.G.L. c. 138, § 15 since October 27, 2023. (Commission Records)

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 Licensee is charged with a violation of 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: chapter 138, § 34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. A Commission regulation promulgated at 204 CMR 2.05(2) provides in pertinent part, that “[n]o licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.” The law is well-settled that ‘under the regulation, [204 C.M.R. 2.05(2)] 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.” Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Comm'n, 11 Mass. App. Ct. 785, 788 (1981); Commonwealth v. Gould, 158 Mass. 499, 507 (1893). It is, thus, quite possible for a licensee to offend the regulatory scheme without scienter. The licensee is responsible for illegalities that occur on the licensed premises. Rico's of the Berkshires, Inc. v. Alcoholic Beverages Control Comm'n, 19 Mass. App. Ct. 1026, 1027 (1985).

In this matter, direct evidence was presented through the testimony of the Investigators as to their observations of individuals who were under the age of 21 and purchased alcoholic beverages at the licensed premises. (Testimony)

Massachusetts General Laws, Chapter 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. Massachusetts General Laws, Chapter 138, § 34B offers protection from license suspension or revocation or criminal penalties to license holders who reasonably rely on one of the types of identification specified in the statute, including a valid Massachusetts driver's license, Massachusetts liquor identification card, Massachusetts identification card, a United States passport, or a passport issued by the government – recognized by the United States – of a foreign country, a passport card for a U.S. passport, or a valid U.S. military identification card. See M.G.L. c. 138, § 34B. Consequently, a false out-of-state identification provides no such defense.

The Commission is persuaded by the evidence that Bradhill Liquors LLC d/b/a Wine & Beer at the Andovers sold alcoholic beverages to a person who was under twenty-one years of age. The

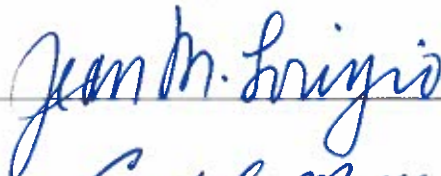
Commission finds that the Licensee committed a violation of M.G.L. c. 138, § 34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 counts).

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 (3 counts). Therefore, the Commission **suspends the license for a period of five (5) days of which two (2) days will be served and 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 are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: February 24, 2025

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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