



Jean M. Lorizio, Esq.
Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
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NOTICE OF SUSPENSION

June 14, 2017

**KAIVAL KRUPA CORP D/B/A NORTON LIQUORS
92 MANSFIELD AVE.
NORTON, MA 02766
LICENSE#: 090800024
VIOLATION DATE: 03/10/2017
HEARD: 06/13/2017**

After a hearing on June 13, 2017, the Commission finds Kaival Krupa Corp d/b/a Norton Liquors violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 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 four (4) days of which two (2) days will be served, and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, August 9, 2017 and terminate on Thursday, August 10, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, August 9, 2017 at 9:00 A.M. It will be returned to the licensee on Friday, August 11, 2017.

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

A handwritten signature in cursive script, reading "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Administration, File



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DECISION

KAIVAL KRUPA CORP D/B/A NORTON LIQUORS
92 MANSFIELD AVE.
NORTON, MA 02766
LICENSE#: 090800024
VIOLATION DATE: 03/10/2017
HEARD: 06/13/2017

Kaival Krupa Corp d/b/a Norton Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, June 12, 2017, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Di Cicco's report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee's Stipulation of Facts; and
3. Passport of Underage and False South Carolina Driver's License.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Friday, March 10, 2017, Investigators Keefe and Di Cicco ("Investigators") conducted an investigation of the business operation of Kaival Krupa Corp d/b/a Norton Liquors to determine the manner in which its business was being conducted.
2. At approximately 10:10 p.m., while conducting enforcement operations, Investigators observed four youthful appearing individuals in a grey sedan pull into the parking lot of the premises.
3. Investigators observed a youthful male individual exit the vehicle and enter the store. Moments later, Investigators observed the youthful male exit the premises holding a black plastic bag with a large bottle inside, and re-enter the parked gray sedan.

4. Investigators approached the vehicle with the four youthful appearing individuals and asked to see identification.
5. Underage #1, actual date of birth 10/04/1997 (age 19), was in possession of a bottle of New Amsterdam Red Berry vodka. Underage #1 presented Investigators with a fraudulent South Carolina driver's license in his name. Underage #1 then produced his true identification.
6. The driver of the vehicle, Underage #2 actual date of birth 8/15/1998 (age 18) had remained in the vehicle and did not enter the licensed premises.
7. Investigators escorted Underage #1 into the premises and identified the underage to the two clerks on duty. Atulkumar Patel stated to Investigators that he did not scan the identification of Underage #1. The other clerk, Ronak Patel, informed Investigators that Underage #1 was a regular customer and they have scanned his identification in the past. Investigators informed both clerks that the Underage #1 had used a fraudulent out of state driver's license.
8. Investigators informed both men of the violation and that a report would be filed with the Chief Investigator for review.

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. c. 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 four (4) days of which two (2) days will be served, and two (2) 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

Kathleen McNally, Commissioner



Elizabeth Lashway, Commissioner



Dated: June 14, 2017

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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