

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

Jean M. Lorizio, Esq. Chairman

DECISION

NOURIA ENERGY RETAIL INC. D/B/A OXFORD SHELL 138 SOUTHBRIDGE ROAD OXFORD, MA 01537

LICENSE#: 00023-PK-0944 VIOLATION DATE: 4/11/2023

HEARD: 7/25/2023

Nouria Energy Retail Inc. d/b/a Oxford Shell ("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, July 25, 2023, 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 or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigators Kujawski & Gould's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

- 1. Investigators Kujawski & Gould's Minimum Purchase Age Compliance Check Field Report, 4/11/2023;
- 2. ABCC Form 43 Transfer of License Approval, 4/11/2002;
- 3. ABCC Form 43, Change of Corporate Name Approval, 3/4/2016;
- 4. Licensee's Stipulation of Facts.
- A. Licensee's Letter re: Post-Violation Measures, 7/6/2023.

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

FINDINGS OF FACT

- 1. On Tuesday, April 11, 2023, at approximately 6:36 p.m., Investigators Gould and Kujawski ("Investigators") conducted a compliance check at Nouria Energy Retail Inc. d/b/a Oxford Shell.
- 2. An underage operative, working under the Investigators' supervision, purchased an alcoholic beverage, one 24-ounce container of Bud Light beer, for three dollars and thirty-nine cents (\$3.39). The underage operative was not asked for identification.

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- 3. John Pszeniczny, Director of Operations for the Licensee, appeared at the Commission hearing. The Commission was informed of post-violation measures put in place to prevent future violations, including installing an identification scanner and retraining employees.
- 4. The Licensee has held the license for more than 20 years without any 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 or Delivery of an alcoholic beverage to a person under twenty-one years of age. As a result, the Commission issues a **WARNING.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman

Crystal Matthews, Commissioner

Deborah A. Baglio, Commissioner

Dated: July 26, 2023

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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ce: Local Licensing Board

Frederick G. Mahony, Chief Investigator Kyle E. Gill, Esq., Associate General Counsel

Jan Kujawski, Investigator Brian Gould, Investigator Mark A. Borenstein, Esq. Administration, File