



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**OM KALESVAR CORP. D/B/A PUBLIC PETROLEUM
2394 MAIN STREET
PALMER, MA 01069
LICENSE#: 90140-PK-0948
VIOLATION DATE: 4/12/2023
HEARD: 9/05/2023**

Om Kalesvar Corp. d/b/a Public Petroleum ("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, September 5, 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 Guarino and Fleming's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Guarino and Fleming's Minimum Purchase Age Compliance Check Field Report, 4/12/2023;
2. ABCC License Authority Certification, New License Approved, 11/29/2021;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Wednesday, April 12, 2023, at approximately 7:10 p.m., Investigators Fleming and Guarino ("Investigators") conducted a compliance check at Om Kalesvar Corp. d/b/a Public Petroleum.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, a 12-ounce can of Bud Light beer, for one dollar and seventy-five cents (\$1.75). The underage operative was not asked for identification.
3. Nita Patel and Mitesh Patel, Licensees, appeared at the Commission hearing. The Commission was informed that the Licensee utilizes an identification scanner for every transaction. Ms. Nita Patel reminds each staff member during each shift to ask customers

for identification. The Licensee has also posted additional signage at the cash registers notifying customers to have identification ready.

4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2021 with no prior violations.

CONCLUSION

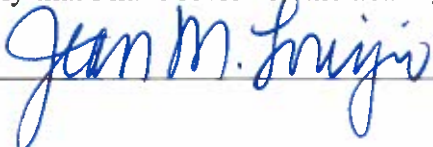
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner 

Deborah A. Baglio, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman 

Dated: January 2, 2024

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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2023-000095-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino, Investigator
Sean Fleming, Investigator
Geoffrey R. Farrington, Esq.
Administration, File