



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**MUCKEYS CORP. D/B/A MUCKEY'S SUPER MART
95 CHURCH STREET
PEMBROKE, MA 02359
LICENSE#: 00020-PK-0960
VIOLATION DATE: 7/21/2023
HEARD: 4/30/2024**

Muckeys Corp. d/b/a Muckey's Super Mart (the "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, April 30, 2024, regarding 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 (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Smith's Report.

The following documents are in evidence:

1. Investigative Report of N. Smith;
2. Photograph of Fraudulent Rhode Island Driver's License;
3. ABCC Form 43, License Transfer Approval, 8/9/2000;
4. ABCC Decision, 7/28/2007;
5. ABCC Decision, 7/29/2008;
6. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, July 21, 2023, Investigators Binienda and Smith ("Investigators") conducted surveillance of Muckeys Corp. d/b/a Muckey's Super Mart ("Licensee" or "Muckey's") to determine the way its business was being conducted.
2. At approximately 6:56 p.m., Investigators observed a motor vehicle enter the parking lot of the establishment. They observed a youthful appearing male individual exit the vehicle, enter the licensed premises and shortly thereafter, exit Muckey's in possession of alcoholic beverages, one 12-pack of Michelob Ultra beer.

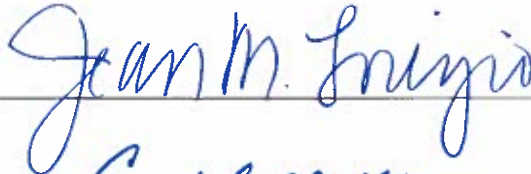
3. Investigators approached the male, identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
4. Underage #1, actual date of birth 4/8/2005 (age 18), provided to Investigators a fraudulent Rhode Island driver's license bearing his name but a different birth date.
5. Investigators entered the licensed premises and spoke to the Licensee and the clerk on duty, who stated he had checked the identification of the underage individual and sold him the beer. Investigators advised them of the violation, and that a report would be submitted to the Chief Investigator for further review.
6. The Licensee has held a license under M.G.L. c. 138, § 15 since 2000.

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 (1 count). As a result, the Commission **suspends the license for a period of one (1) which 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: August 26, 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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2023-000248-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicole Smith, Investigator
Jamie Binienda, Investigator
Louis Cassis, Esq.
Administration, File