

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Tel. (617) 727-3040
Fax: (617) 727-1510

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 13, 2019

HAZEL DELI, LLC D/B/A BROTHER'S DELI
283 DERBY STREET
SALEM, MA 01970
LICENSE#: 1064-00142
VIOLATION DATE: 12/20/2018
HEARD: 2/12/20197

After a hearing on February 12, 2019, the Commission finds Hazel Deli, LLC d/b/a Brother's Deli violated 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (4 counts).

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, April 10, 2019 and terminate on Thursday, April 11, 2019. The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 10, 2019 at 9:00 A.M. It will be returned to the Licensee on Friday, April 12, 2019.

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.

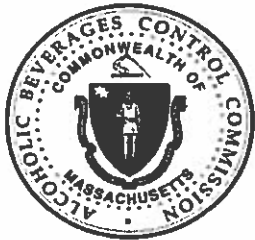
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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这份文件是重要的，应立即进行翻译

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



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Alcoholic Beverages Control Commission
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DECISION

**HAZEL DELI, LLC D/B/A BROTHER'S DELI
283 DERBY STREET
SALEM, MA 01970
LICENSE#: 1064-00142
VIOLATION DATE: 12/20/2018
HEARD: 2/12/2019**

Hazel Deli, LLC d/b/a Brother's Deli (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, February 12, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (4 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Licensee Stipulation of Fact;
2. Investigator Keefe's Investigative Report;
3. Photocopy of Driver's Licenses; and
4. RMV Printouts of Two Minors.

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

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

FINDINGS OF FACT

1. On Thursday, December 20, 2018, at approximately 11:55 p.m., Investigators Di Cicco and Keefe ("Investigators"), conducted an investigation of the business operation of Hazel Deli, LLC d/b/a Brother's Deli to determine the manner in which its business was being conducted.

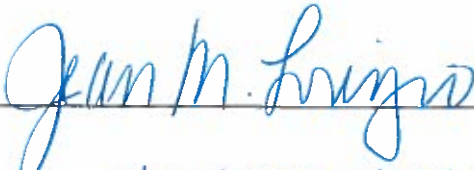
2. Upon entering the licensed premises, Investigators observed youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 2/11/1998¹ (age 20), was in possession of a vodka and pineapple juice. She presented to Investigators a Massachusetts identification in another's name. Investigators observed that the facial features on the identification did not match those of the person before them.
4. Underage #2, actual date of birth 7/15/1999 (age 19), was in possession of a vodka and cranberry juice. She presented to Investigators a Massachusetts identification in another's name. Investigators observed that the facial features on the identification did not match those of the person before them. Underage #2 appeared more youthful than expected given the date of birth on the identification presented.
5. Underage #3, actual date of birth 8/14/1998 (age 20), was in possession of a vodka and pineapple juice. She presented to Investigators a fraudulent Rhode Island driver's license.
6. Underage #4, actual date of birth 3/05/1999 (age 19), was in possession of a vodka and pineapple juice. She presented to Investigators a fraudulent Ohio driver's license.
7. Investigators spoke to the manager on duty, Victor Cruz, informed him of the violations, and that a report would be filed with the Chief Investigator for further review.

CONCLUSION

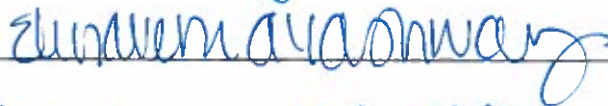
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (4 counts). Therefore, the Commission **suspends the license 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

Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: February 13, 2019

¹ The Investigator's report erroneously listed the date of birth for Underage #1 as 2/11/1997; this was amended at the hearing.

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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