



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

Jean M. Lorizio, Esq.
Chairman

DECISION

5 YOGI CONVENIENCE STORE INC. D/B/A GULF EXPRESS
5 BRIDGE ROAD
SALISBURY, MA 01952
LICENSE#: 90425-PK-1066
VIOLATION DATE: 5/02/2023
HEARD: 10/10/2023

5 Yogi Convenience Store Inc. d/b/a Gulf Express ("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, October 10, 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 Anderson and Bolcome's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Anderson and Bolcome's Minimum Purchase Age Compliance Check Field Report, 5/2/23;
2. ABCC Licensing Authority Certification, Transfer of License Approved, 12/7/2022;
3. ABCC Decision, 10/5/2022;
4. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Tuesday, May 2, 2023, at approximately 5:29 p.m., Investigators Bolcome and Anderson ("Investigators") conducted a compliance check at 5 Yogi Convenience Store Inc. d/b/a Gulf Express.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one 24-ounce can of Coors Light beer, for three dollars and fifty-five cents (\$3.55). The underage operative was not asked for identification.

3. Tusharkumar Patel, Licensee and Manager of Record, appeared at the Commission hearing and testified all employees are trained to check identification and their training is ongoing. The Licensee has added signage at the register as an additional reminder to employees to check identification.
4. The Licensee has held an all-alcoholic beverage license under M.G.L. c. 138, § 15 since December 7, 2022. From 2009 until the current all-alcoholic beverage license was approved, the Licensee held a wine and malt beverage license under §15 at this location, with one prior violation.

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 suspends the license for a period of one (1) day which will be held in abeyance for a period of two years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner



Crystal Matthews, Commissioner



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

Jean M. Lorizio, Chairman



Dated: January 8, 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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2023-000124-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Melissa Anderson, Investigator
David Bolcome, Investigator
Administration, File