



*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#: 00084-PK-1066
VIOLATION DATE: 6/02/2022
HEARD: 9/13/2022**

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, September 13, 2022, 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 Investigator Anderson's Report.

The following documents are in evidence:

1. Investigator Anderson's Minimum Purchase Age Compliance Check Field Report;
 2. ABCC Form 43, New License Approval, 8/27/2009;
 3. Licensee's Stipulation of Facts.
- A. TIPS Certification for Tusharkumar Patel;
B. TIPS Certification for Parul Patel.

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

FINDINGS OF FACT

1. On Thursday, June 2, 2022, at approximately 5:40 p.m., Investigators Bolcome and Anderson ("Investigators"), inspected the business operation of 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 6-pack of Bud Light beer, for seven dollars and eighty cents (\$7.80). The underage operative was not asked for identification.
3. Tusharkuman Patel, Licensee, appeared at the Commission hearing. Mr. Patel testified that he was unexpectedly hospitalized at the time of the compliance check. He stated that, in

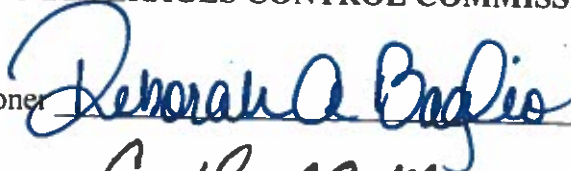
an effort to help while the Licensee was in the hospital, an inexperienced employee who was still in training made the sale.

CONCLUSION

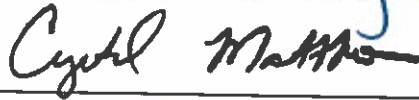
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner



Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Dated: October 5, 2022

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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2022-000107-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Melissa Anderson, Investigator
David Bolcome, Investigator
Administration, File