

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

AMENDED
NOTICE OF SUSPENSION

June 18, 2014

C & J LIQUORS, INC. DBA BALL SQUARE LIQUORS
716 BROADWAY
SOMERVILLE, MA 02144
LICENSE#: 113000082
VIOLATION DATE: 07/07/2013
HEARD: 01/14/2014

After a hearing on January 14, 2014, the Commission finds C & J Liquors, Inc. dba Ball Square Liquors in violation of M.G.L. c. 138 §2 Unlawful sale, to wit: M.G.L. c. 138 §18 Acting as a Wholesaler without being properly licensed.

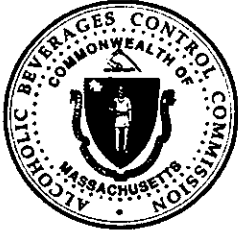
The Commission **suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, July 9, 2014, and terminate on Sunday, July 13, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 9, 2014 at 9:00 A.M. It will be returned to the licensee Monday, July 14, 2014. **No offer in compromise will be considered for this penalty.**

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

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Stephen V. Miller, Esq. via facsimile 617-946-4624
Administration
File



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Department of the State Treasurer
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Boston, Massachusetts 02114

Steven Grossman
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NOTICE OF SUSPENSION

May 21, 2014

C & J LIQUORS, INC. DBA BALL SQUARE LIQUORS
716 BROADWAY
SOMERVILLE, MA 02144
LICENSE#: 113000082
VIOLATION DATE: 07/07/2013
HEARD: 01/14/2014

After a hearing on January 14, 2014, the Commission finds C & J Liquors, Inc. dba Ball Square Liquors in violation of M.G.L. c. 138 §2 Unlawful sale, to wit: M.G.L. c. 138 §18 Acting as a Wholesaler without being properly licensed.

The Commission suspends the licensee's license for a total of ninety (90) days to be served. The suspension shall commence on Wednesday, July 9, 2014, and terminate on Monday, October 6, 2014. The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 9, 2014 at 9:00 A.M. It will be returned to the licensee Tuesday, October 7, 2014. No offer in compromise will be considered for five (5) of the ninety (90) days suspension for this penalty.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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.

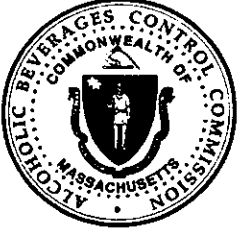
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Tara Kelleher, Investigator
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File

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The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
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DECISION

C & J LIQUORS, INC. DBA BALL SQUARE LIQUORS
716 BROADWAY
SOMERVILLE, MA 02144
LICENSE#: 113000082
VIOLATION DATE: 07/07/2013
HEARD: 01/14/2014

C & J Liquors, Inc. dba Ball Square Liquors (the "Licensee" or "Ball Square") holds an alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, January 14, 2014, regarding an alleged violation of M.G.L. c. 138 §2 Unlawful sale, to wit: M.G.L. c. 138 §18 Acting as a Wholesaler without being properly licensed. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
 2. Investigator Temple's Violation Report dated July 7, 2013.
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- A. Seventeen (17) Letters in Support of Licensee;
 - B. Spreadsheet Listing Licensee's Charitable Work and Donations.

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

FACTS

1. On Sunday, July 7, 2013, at approximately 2:00 p. m., Investigators Kelleher and Temple conducted an investigation of the business operation of C & J Liquors, Inc. dba Ball Square Liquors ("Ball Square") to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and asked to speak with the owner or manager.
3. Jonathan Vargas identified himself as the current manager and stated that the owner was away on vacation in Greece.
4. Investigators had a conversation with Mr. Vargas in which he stated that he has worked at the licensed premises for seven years and has recently been promoted to store operations manager. Prior to receiving his promotion, he worked in the back room gathering orders for customers and delivery.
5. Mr. Vargas stated, "To my knowledge, I do not know if Ball Square sells to restaurants."

6. Investigators informed Mr. Vargas that they were at the Greek American Social Construction Club Inc. (the "Greek American Social Club") located at 79 Bow Street, Somerville, MA, at approximately 1:20 p. m., on this same day where they were informed that the Greek American Social Club had recently purchased alcoholic beverages from the Licensee, and has frequently purchased alcoholic beverages from Ball Square in the past.
7. Mr. Vargas offered to look in the computer customer database to confirm this but he was unable to find any purchases from the Greek American Social Club.
8. Investigators asked Mr. Vargas if he could search the database for the names of all customers who have purchased alcoholic beverages from Ball Square.
9. Investigators observed that the search results contained the names of several clubs and restaurants.
10. Upon questioning, Mr. Vargas stated that "I know of customers who own restaurants, well I know customers as customers who own restaurants."
11. When investigators asked what he meant by that remark, Mr. Vargas stated that people own business and buy for personal consumption.
12. Investigators noted that one of the customers, Greek American Social Club, had a total of 371 visits in about a year and a half, and they spent approximately \$58, 567.00 in that time period.
13. Investigators asked Mr. Vargas if he believed it was probable that such a volume was just for personal consumption. Mr. Vargas stated that he did not know.
14. Investigators noted that one of the customers, Kabab Corner had a total of 336 visits in a four-year period, and they spent approximately \$24, 082.00 in that time period.
15. Investigators asked Mr. Vargas if he believed it was probable that such a volume was just for personal consumption. Mr. Vargas responded, "I don't know."
16. Investigators asked Mr. Vargas if he sells alcoholic beverages to §12 restaurants, bars, and clubs. Mr. Vargas stated that "it appears now, but I did not know before."
17. Investigators informed Mr. Vargas of the violation and that a violation report would be filed with the Chief Investigator for further review.
18. On Monday, July 15, 2013, at approximately 2:00 p. m., Investigators Kelleher and Temple conducted an investigation of the business operation of Preeti, Inc. dba Kabab Corner ("Kabab") located at 4110A Mystic Valley Parkway, Medford, MA, to determine the manner in which its business was being conducted.
19. Investigators were met by the manager, Rajesh Kumar.
20. Investigators asked Mr. Kumar from where he purchased his wine. Mr. Kumar responded, "Sometimes I get it at the store, sometimes Anil brings it, and if I run out I call and have it delivered."
21. Investigators asked Mr. Kumar from where the wine was delivered. Mr. Kumar provided investigators with a business card for Chris Lianos, Ball Square Liquors, in Somerville.
22. Investigators asked Mr. Kumar if Ball Square knows that they are delivering to a restaurant. Mr. Kumar responded, "I call them, tell them I'm from Kabab Corner, he delivers here."
23. Mr. Kumar escorted investigators to a walk-in cooler where they observed boxes with distributor shipping labels addressed to "Ball Square Liquors" in Somerville.
24. The records of Ball Square indicated that between March 3, 2009 and July 5, 2013, purchases by Kabab Corner totaled approximately \$24,082.00.
25. On Wednesday, July 17, 2013, at approximately 11:30 a. m., Investigators Kelleher and Temple conducted an investigation of the business operation of Khush Enterprises Inc. dba Desi Dhaba ("Khush") located at 401 Massachusetts Avenue, Cambridge, MA, to determine the manner in which its business was being conducted.
26. Investigators entered the licensed premises and asked to speak with the owner or manager.
27. Ranjid Badwal stated that he was the manager and owner.

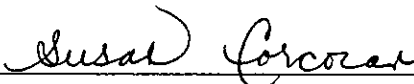
28. While in the bar area, investigators found duplicate check receipts from the check register for Khush's Sovereign Bank checking account. The checks were payable to Ball Square Liquors.
29. The checking account records indicated that Khush has made at least eight visits to Ball Square and has made purchases which totaled approximately \$6,091.00.
30. Additionally, Mr. Badwal and Anil both stated that they have made several in-store cash purchases for alcoholic beverages from Ball Square.
31. On Monday, August 5, 2013, Investigators Kelleher and Temple conducted an investigation of the business operation of Akson Inc. dba Santorini Restaurant ("Santorini") located at 376 Revere Beach Boulevard, Revere, MA, to determine the manner in which its business was being conducted.
32. Investigators entered the licensed premises and asked to speak with the owner or manager.
33. Nihat Aktas stated that he was the manager and owner.
34. Investigators asked Mr. Aktas from where he purchased his alcoholic beverages. He responded, "Blanchard's and Wonderland." He also stated that he used to purchase beer from Ball Square but stopped because they "stopped taking the empty bottles."
35. Investigators asked Mr. Aktas if Ball Square knew that the beer was purchased for a restaurant. He responded, "Yes, they delivered here, but stopped taking the bottles because they didn't have room for them, so I stopped ordering from them."
36. The records of Ball Square indicate that between 9/21/2007 and 5/13/2013, purchases by Santorini totaled approximately \$15,303.00.
37. On Tuesday, August 6, 2013, Investigators Kelleher and Temple conducted an investigation of the business operation of Kathmandu & Spice Restaurant Inc. ("Kathmandu") located at 166 Massachusetts Avenue, Arlington, MA, to determine the manner in which its business was being conducted.
38. Investigators identified themselves to the owner, Sheela Manandhar. Ms. Manandhar advised that she was in charge of ordering the beer and liquor.
39. When investigators asked Ms. Manandhar from where she purchased the alcoholic beverages, she responded, "Ball Square Liquors."
40. Investigators asked if the alcoholic beverages were delivered to her or did she pick them up. Ms. Manandhar stated, "Half and half, sometimes they deliver, sometimes I go and pick up."
41. Investigators asked Ms. Manandhar if Ball Square knew that she was ordering for a restaurant. She stated, "Yes, they deliver here."
42. Investigators asked Ms. Manandhar to whom she spoke when placing orders. She stated, "I used to order from Chris (Lianos) but now I always order from Jonathon."
43. Investigators asked her when was the last time she ordered. Ms. Manandhar stated "Well, I called Jonathon yesterday, but he told me they do not take orders over the phone anymore and that I would have to order from Nathan by emailing him."
44. The records of Ball Square indicate that between 9/21/2007 and 4/26/2013, purchases by Kathmandu & Spice Restaurant totaled approximately \$14,320.00.
45. On Wednesday, August 7, 2013, at approximately 2:00 p. m., Investigators Kelleher and Temple conducted an investigation of the business operation of Demosthenes Greek-American Democrat Club of MA (the "Democrat Club") located at 218 Somerville Avenue, Somerville, MA, to determine the manner in which its business was being conducted.
46. Investigators identified themselves and asked to speak with the manager or owner.
47. Standing behind the bar, John Piantes stated that he "was not the manager, but was in charge at this time."
48. Investigators then asked who was in charge of purchasing alcoholic beverages. Mr. Piantes responded, "I do all of the purchasing."

49. Investigators advised Mr. Piantes that they had evidence that the Democrat Club made purchases of approximately \$58,567.00 from Ball Square and they asked him if he believed that was a correct number. Mr. Piantes responded, "Yes, that sounds correct." He also stated that he is friends with Chris Lianos.
50. Investigators asked if Chris Lianos was aware that the alcohol purchased was for the Democrat Club. Mr. Piantes stated, "Yes."
51. The records of Ball Square indicate that between 12/08/2011 and 6/14/2013, purchases by Demosthenes Club totaled approximately \$58,567.00.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §2 Unlawful sale, to wit: M.G.L. c. 138 §18 Acting as a Wholesaler without being properly licensed. Therefore, the Commission **suspends the license for ninety (90) days. No offer in compromise will be considered for five (5) of the ninety (90) days suspension for this penalty.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner 

Dated: May 21, 2014

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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Tara Kelleher, Investigator
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