



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

January 2, 2024

**ELLA K REALTY LLC D/B/A QUIK MART
603 WILBRAHAM ROAD
SPRINGFIELD, MA 01109
LICENSE#: 89530-PK-1226
VIOLATION DATE: 6/12/2023
HEARD: 11/28/2023**

After a hearing on November 28, 2023, the Commission finds Ella K Realty LLC d/b/a Quik Mart 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.

The Commission suspends the license for a period of one (1) day to be served.

The suspension shall be served on Monday, February 26, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, February 26, 2024, at 9:00 A.M. It will be returned to the licensee on February 27, 2024.

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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Dokiman sa a enpòtan epi li ta dwe tradwi touswit
‘Đây là tài liệu quan trọng và cần được dịch ngay’
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2023-000121-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino, Investigator
Sean Fleming, Investigator
Henry Cropsey, Esq.
Administration, File



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DECISION

**ELLA K REALTY LLC D/B/A QUIK MART
603 WILBRAHAM ROAD
SPRINGFIELD, MA 01109
LICENSE#: 89530-PK-1226
VIOLATION DATE: 6/12/2023
HEARD: 11/28/2023**

Ella K Realty LLC d/b/a Quik Mart ("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, November 28, 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 Guarino and Fleming's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Guarino and Fleming's Minimum Purchase Age Compliance Check Field Report, 6/12/2023;
 2. ABCC Approval Cover Sheet, Transfer of License Approved on 4/3/2019;
 3. ABCC Decision, 11/14/2022;
 4. Licensee's Stipulation of Facts.
- A. Affidavit of Sheila Dione, a/k/a Sheila Castro;
B. Statement of Licensee.

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

FINDINGS OF FACT

1. On Monday, June 12, 2023, at approximately 6:08 p.m., Investigators Fleming and Guarino ("Investigators") conducted a compliance check at Ella K Realty LLC d/b/a Quik Mart.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one 24-ounce Bud Light beer, for three dollars (\$3.00). The underage operative was not asked for identification.
3. James Kayrouz, Licensee, appeared at the Commission hearing.

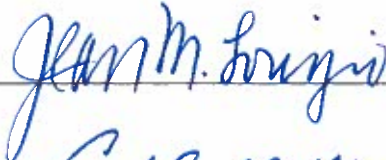
4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2019 with one prior violation in 2022. The Commission was informed that after said violation, a new point of sale system was installed which required an employee either scan a customer's identification or enter a birth date before the sale could be processed. The clerk in the current instance failed to follow policy. Since this compliance check all employees have been TIPS certified and/or re-certified.

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.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

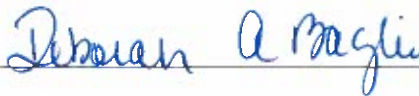
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: January 2, 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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