



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**BBTJ CORP. D/B/A MCDONOUGH'S LIQUOR STORE
9 CENTRAL STREET
STONEHAM, MA 02180
LICENSE#: 89209-PK-1242
VIOLATION DATE: 12/31/2019
HEARD: 10/5/2021**

BBTJ Corp. d/b/a McDonough's Liquor Store (the "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 5, 2021, 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 of delivery of an alcoholic beverage to a person under twenty-one years of age (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Smith's Report.

The following documents are in evidence:

1. Investigator Smith's Report;
2. ABCC Application Summary Review, License Transfer Approved, 12/4/2017;
3. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Tuesday, December 31, 2019, Investigators Di Cicco, Gould, and Smith ("Investigators") conducted an inspection of the business operation of BBTJ Corp. d/b/a McDonough's Liquor Store to determine the manner in which its business was being conducted.
2. At approximately 5:00 p.m., while conducting surveillance outside of the licensed premises, Investigators observed a youthful appearing individual enter the package store. Investigator Smith entered the liquor store to further make observations.

3. Investigator Smith observed the youthful appearing female purchase a sleeve of McGillicuddy's Root Beer nips; a sleeve of Fireball Cinnamon Whisky nips; 3 Four Loko Hard Seltzer; and one 12-pack of White Claw Hard Seltzer.
4. Investigators approached the female outside of the liquor store, identified themselves, and asked to see proof of legal age.
5. Underage #1, actual date of birth 12/07/2001 (age 18), admitted to Investigators that she was not 21-years of age and stated she was not asked for identification by the store clerk.
6. At approximately 6:30 p.m., Investigators entered the premises and spoke to the clerks on duty, Rakesh Raj Giri and Prashasti Patel. Ms. Patel informed Investigators she was the employee who sold the alcoholic beverages to the underage patron. Giri stated that they did not ask for identification because the underage was a regular at the store and she had shown them a passport in the past.
7. Investigators informed Giri and Patel of the violation and that a report would be filed with the Chief Investigator for further review.
8. The Licensee, Tushan Patel, appeared at the Commission hearing. The Commission was informed of action taken by the Licensee since this incident. The Licensee immediately purchased a scanner to assist in checking identifications, adopted a policy that all patrons who appear to be under 40 years old are required to produce identification, and ensured all employees are TIPS certified.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017 with no prior violations.

CONCLUSION

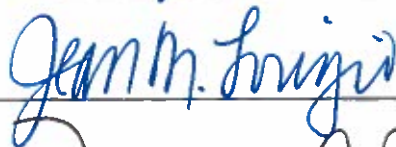
Based on the evidence, the Commission finds the Licensee violated of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34 Sale of delivery of an alcoholic beverage to a person under twenty-one years of age (1 Count). Therefore, the Commission **suspends the license for a period of two (2) days of which are hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

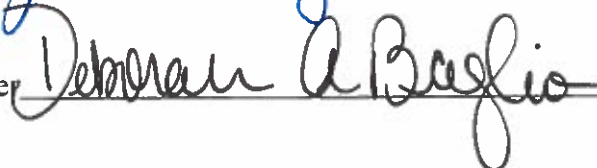
Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Deborah Baglio, Commissioner



Dated: November 2, 2021

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicole Smith, Investigator
Joseph Di Cicco, Investigator
Brian Gould, Investigator
Gregory Demarkis, Esq.
Administration, File