



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

Jean M. Lorizio, Esq.
Chair

DECISION

**NHI INC. D/B/A SWANSEA MOBIL
52 JAMES REYNOLDS ROAD
SWANSEA, MA 02777
LICENSE#: 00052-PK-1258
VIOLATION DATE: 4/10/2023
HEARD: 6/27/2023**

NHI Inc. d/b/a Swansea Mobil (“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, June 27, 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 Keefe & Fleming’s Report.

The following documents are in evidence:

1. Investigators Keefe & Fleming’s Minimum Purchase Age Compliance Check Field Report;
 2. ABCC Form 43, New License Approval, 12/22/2015;
 3. Licensee’s Stipulation of Facts.
- A. Atty. Bradley’s Letter 6/23/2023;
 - B. Signage in Licensed Premises;
 - C. SureSellNow.com Responsible Alcohol Server Certification.

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

FINDINGS OF FACT

1. On Monday, April 10, 2023, at approximately 4:52 p.m., Investigators Fleming and Keefe (“Investigators”) conducted a compliance check at NHI Inc. d/b/a Swansea Mobil.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one 24-ounce Bud Light beer, for three dollars and thirty cents (\$3.30). The underage operative was not asked for identification.
3. Najib Ayoub, Licensee, appeared at the Commission hearing. The Commission was informed the Licensee’s policy at the time of the compliance check was to request

2023-000069-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Dennis Keefe, Investigator
Sean Fleming, Investigator
Sgt. Jonathan Boyd, Swansea Police Department
Scott D. Bradley, Esq.
Administration, File

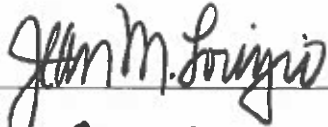
identification from any patrons who appear to be 35 years of age or younger. The Licensee has instituted a new policy wherein all patrons are now required to produce identification.

4. The Licensee has held a license under M.G.L. c. 138, § 12 since 2015 with no previous violations.

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

Jean M. Lorizio, Chairman _____ 

Crystal Matthews, Commissioner _____ 

Deborah A. Baglio, Commissioner _____ 

Dated: June 29, 2023

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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