

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

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**D & M LIQUOR CORP. D/B/A S&M LIQUORS  
260 WATER STREET  
WAKEFIELD, MA 01880  
LICENSE#: 00013-PK-1310  
VIOLATION DATE: 6/20/2020  
HEARD: 11/2/2021**

D & M Liquor Corp. d/b/a S&M Liquors (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, November 2, 2021, regarding an alleged violation of 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 Quinn's Report.

The following documents are in evidence:

1. Investigator Quinn's Report;
2. ABCC Form 43 License Transfer Approval, 6/5/2015;
3. Photograph of Genuine Identifications;
4. Photograph of Fraudulent Identification;
5. Photograph of Confiscated Alcoholic Beverages;
6. Licensee Stipulation of Facts.

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

**FINDINGS OF FACT**

1. On Saturday, June 20, 2020, Investigators Di Cicco and Quinn ("Investigators"), conducted an inspection of the business operation of D & M Liquor Corp. d/b/a S&M Liquors to determine the manner in which its business was being conducted.
2. At approximately 2:40 p.m., Investigators observed a dark colored vehicle pulling into the parking lot with two youthful appearing individuals inside it. Investigators observed the driver exit the vehicle and enter the licensed premises.
3. At approximately 2:44 p.m., Investigators observed the driver, Underage #1, exit the store in possession of what appeared to be alcoholic beverages.

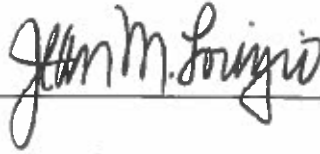
4. Investigators approached the motor vehicle, identified themselves and asked to see proof of legal age.
5. Underage #1, actual date of birth 9/24/2002 (age 17), was in possession of Loyal Lemonade malt beverage. He indicated to Investigators that the passenger in the vehicle had the identifications. Underage #1 presented his true Massachusetts driver's license to Investigators.
6. Underage #2, actual date of birth 8/13/2002 (age 17), presented to Investigators a fraudulent Maine driver's license in his name with a different date of birth. He admitted he was 17 years old and presented his genuine Massachusetts driver's license. Underage #2 informed Investigators of additional alcoholic beverages in the trunk of the vehicle.
7. Investigators confiscated one 12-pack of Bud Light beer, one 30-pack of Bud Light beer, two 12-packs of White Claw Hard Seltzer, four 24-ounce cans of Twisted Tea malt beverage, and four 4-packs of Loyal Lemonade malt beverage.
8. Investigators contacted the parents and/or guardians of the two 17-year-old individuals.
9. At approximately 3:40 p.m., Investigators entered the licensed premises and spoke to the employees on duty, Depee and Jay. Depee informed Investigators she had sold the alcoholic beverages to the underage individual and stated the store's ID scanner was broken.
10. A representative of the Licensee contacted Investigators later the same day. Investigators informed him of the violation and that a report would be filed with the Chief Investigator for review.
11. Kailash Patel, Manager of Record, appeared at the Commission hearing. The Commission was informed that all employees are TIPS certified and the Licensee has a policy wherein anyone who appears under 40 years of age is asked to produce identification. The Licensee acknowledged the policy would not necessarily have prevented this sale as the underage patron presented a fraudulent identification. Just prior to the Investigators' visit the Licensee had purchased a scanner. It was not working that night but is now in working order.
12. The Licensee has held a license under M.G.L. c. 138, § 15 since 2015 with no prior violations.

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 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 which is hereby deemed served.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: January 28, 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  
Katelyn Quinn, Investigator  
Gregory Demakis, Esq.  
Administration, File