



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

**Jean M. Lorizio, Esq.**  
*Chair*

**DECISION**

**KVP INC. D/B/A JEFFREY'S LIQUORS  
354 MAIN STREET  
WAKEFIELD, MA 01880  
LICENSE#: 00014-PK-1310  
VIOLATION DATE: 8/09/2019  
HEARD: 11/26/2019**

KVP Inc. d/b/a Jeffrey's Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, November 26, 2019, regarding an alleged violation of M.G.L. Ch. 138 § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee Stipulation of Fact;
3. Copy of License Transfer Approval, 11/13/2014.

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

**FINDINGS OF FACT**

1. On Friday, August 9, 2019, Investigators Gould and Di Cicco ("Investigators") conducted an investigation of the business operation of KVP Inc. d/b/a Jeffrey's Liquors to determine the manner in which its business was being conducted.
2. At approximately 8:45 p.m., Investigators' attention was drawn to Kevin Carter as he walked towards the licensed premises. Investigators observed that Carter was unsteady on his feet and his eyes were glassy.
3. Carter entered the package store and Investigators followed him inside. Investigators observed Carter walk from the back refrigerators to the register. Investigators observed that Carter continued to be unsteady on his feet and had glassy eyes.

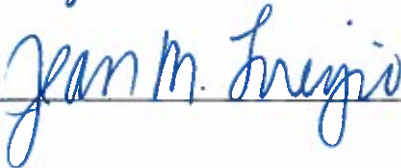
4. At the cash register, Carter said to Investigator Gould, "Is that all you got" referring to the Investigator's Diet Coke®. At this time Investigator Gould could smell a strong odor of alcoholic beverages emanating from Carter's person and heard that Carter's speech was slurred.
5. Carter went to the clerk on duty, Rajsh Patel. Carter put three (3) 25-ounce Icehouse beers on the counter and then asked Rajsh Patel for three (3) Fireball Cinnamon Whisky nips, and five (5) cherry-flavored vodka nips. Patel said, "oh cherry" and Carter responded in a mumbled voice which Investigator Gould could not understand.
6. Investigator Di Cicco entered the premises. When Carter had completed his purchase of alcoholic beverages, Investigators made contact and identified themselves. Carter informed Investigators that he lived in the area and was walking back to his home. When Investigators commented on Carter's being unsteady on his feet, Carter stated that he walks like that even when he is not drunk.
7. Based on their training and experience, Investigators formulated the opinion that Carter was intoxicated.
8. Investigators then identified themselves to Rajsh Patel and informed him of the violation. Rajsh informed Investigators that Carter frequents the licensed premises and that tonight Carter has previously been at the store around 5:30 p.m. and had purchased beer and fireball nips.
9. Investigator Di Cicco later made contact with Parkish Patel, the son of the manager of record. Investigators informed Parkish of the violation and that a report would be submitted to the Chief Investigator for review.
10. At the Commission hearing, Mr. Patel testified that he has had staff members renew their TIPS certification and he has also provided training to employees regarding identifying signs of intoxication. Mr. Patel also testified that all § 15 licensees in Wakefield only allow one purchase per day per person.
11. The Licensee has held a license under M.G.L. c. 138, § 15 since 2014 with no previous violations.

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count). The Commission issues a **WARNING**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Crystal Matthews, Commissioner 

Jean M. Lorizio, Chairman 

Dated: December 10, 2019

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  
Joseph Di Cicco, Investigator  
Brian Gould, Investigator  
Nicholas Velez, Investigator  
Administration, File