



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**PRACHI CORP. D/B/A MCDONOUGH'S LIQUORS
13 WATER STREET
WAKEFIELD, MA 01880
LICENSE#: 89144-PK-1310
VIOLATION DATE: 8/15/2019
HEARD: 11/26/2019**

Prachi Corp. d/b/a McDonough'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 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 Investigative Report;
2. Licensee Stipulation of Facts;
3. Photocopy of Fraudulent Maine Driver's License;
4. Licensee's Application Summary Review Approved 9/1/2017.

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

FINDINGS OF FACT

1. On Thursday, August 15, 2019, Investigators Di Cicco and Smith ("Investigators"), along with Lt. Joseph Anderson of the Wakefield Police Department, conducted an investigation of the business operation of Prachi Corp. d/b/a McDonough's Liquors to determine the manner in which its business was being conducted.
2. At approximately 9:20 p.m., Investigators observed a motor vehicle occupied by several youthful appearing individuals parked outside of the licensed premises. Investigators observed one youthful appearing female exit the premises in possession of alcoholic beverages and enter the motor vehicle. Investigators identified themselves and asked to see proof of legal age.

3. Underage #1, actual date of birth 9/25/2000 (age 18), was in possession of: three (3) sleeves of Dr. McGillicuddy's liqueur; five 24-ounce cans of Mike's Hard Lemonade malt beverage; and two 24-ounce cans of Twisted Tea malt beverage. She presented to Investigators a fraudulent Maine driver's license in her own name with a different date of birth.
4. Investigators properly identified the other five individuals in the vehicle. Four of the individuals were 18 years of age and one individual was 17 years of age. Investigators contacted the parents of all the identified individuals and made them aware of the incident.
5. Investigators entered the licensed premises and spoke with the clerk on duty, Bharat Patel. Patel informed Investigators that he was the individual who sold the alcoholic beverages to the Underage #1.
6. Investigators informed Patel of the violation, and that a report would be filed with the Chief Investigator for further review.
7. At the Commission hearing, the Licensee, Narendrakumar Patel, testified that he had ordered an Identification scanner and no longer accepts out of state driver's licenses.
8. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2017 with no prior 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 of delivery of an alcoholic beverage to a person under twenty-one years of age (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
Nicole Smith, Investigator
Joseph Di Cicco, Investigator
Gregory Demakis, Esq.
Administration, File