



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 8, 2023

**JIARYAN LLC D/B/A RYAN'S WINE SHOP
192 LEXINGTON STREET
WALTHAM, MA 02452
LICENSE#: 89259-PK-1320
VIOLATION DATE: 9/15/2022
HEARD: 11/15/2022**

After a hearing on November 15, 2022, the Commission finds Jiaryan LLC d/b/a Ryan's Wine Shop violated M.G.L. c. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (2 counts).

The Commission suspends the license for a period of three (3) days to be served.

The suspension shall commence on Monday, March 27, 2023, and terminate on Wednesday, March 29, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, March 23, 2023, at 9:00 A.M. It will be returned to the licensee on Thursday, March 30, 2023.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicole Terasconi, Investigator
Nicholas Velez, Investigator
Administration, File



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DECISION

**JIARYAN LLC D/B/A RYAN'S WINE SHOP
192 LEXINGTON STREET
WALTHAM, MA 02452
LICENSE#: 89259-PK-1320
VIOLATION DATE: 9/15/2022
HEARD: 11/15/2022**

Jiaryan LLC d/b/a Ryan's Wine Shop (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 15, 2022, 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 (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Terasconi's Report.

The following documents are in evidence:

1. Investigator Terasconi's Report;
2. ABCC License Summary Review, Transfer of License Approved 2/5/2018;
3. Licensee Stipulation of Facts.
 - A. Photo of Receipt, 9/15/22, and Scanner Screen;
 - B. Invoice for Licensee's Scanner.

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

FINDINGS OF FACT

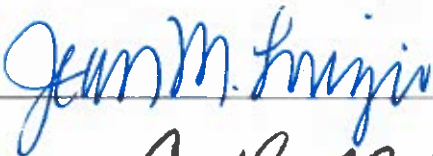
1. On Thursday, September 15, 2022, Investigators Velez and Terasconi ("Investigators"), inspected the business operation of Jiaryan LLC d/b/a Ryan's Wine Shop to determine the manner in which its business was being conducted.
2. While outside the licensed premises, Investigators observed a youthful appearing female individual exit a silver Toyota SUV and enter the licensed premises. At approximately 7:06 p.m., Investigators observed the same female exit the store in possession of alcoholic beverages.
3. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.

4. Underage #1, actual date of birth 3/14/2004 (age 18), was in possession of one 12-pack of Truly Hard Lemonade and one 12-pack of White Claw Hard Seltzer. Underage #1 stated to Investigators that she used a fraudulent Connecticut driver's license in her own name with a different birth date to purchase the alcoholic beverages.
5. Investigators observed a youthful appearing male individual exit a Ford F-150 pickup truck and enter the licensed premises. At approximately 7:21 p.m., Investigators observed the same male exit the store in possession of what appeared to be alcoholic beverages.
6. Investigators identified themselves and asked to see proof of legal age to purchase and/or possess alcoholic beverages.
7. Underage #2, actual date of birth 5/23/2002 (age 20) was in possession of one bottle of Josh Pinot Noir and one bottle of Meiomi Red Blend. He stated to Investigators that he used a fraudulent Connecticut driver's license to purchase the alcoholic beverages.
8. At approximately 7:50 p.m., Investigators entered the licensed premises and spoke to the clerk on duty. Investigators informed him of the violations and that a report would be filed with the Chief Investigator for further action.
9. Amit Parwani, Licensee, appeared at the Commission hearing and testified they utilize a scanner and employees regularly confiscate fraudulent identifications. In this instance he stated Underage #1's fraudulent identification scanned as legitimate.
10. The Licensee has held a license under M.G.L. c. 138, § 15 since 2018.


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 (2 counts). Therefore, the Commission **suspends the license for a period of three (3) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman 

Crystal Matthews, Commissioner 

Deborah A. Baglio, Commissioner 

Dated: February 8, 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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2022-000165-ad-enf

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