

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

Jean M. Lorizio, Esq.  
Chairman

NOTICE OF SUSPENSION

July 11, 2023

**KC BROTHERS LLC D/B/A WACHUSETT FARMS  
106 WORCESTER STREET  
WEST BOYLSTON, MA 01583  
LICENSE#: 89678-PK-1364  
VIOLATION DATE: 4/05/2023  
HEARD: 6/20/2023**

After a hearing on June 20, 2023, the Commission finds KC Brothers LLC d/b/a Wachusett Farms 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. The Commission **suspends the license for a period of one (1) day to be served.**

**The suspension shall be served on Monday, September 11, 2023.** The license will be delivered to the Local Licensing Board or its designee on Monday, September 11, 2023, at 9:00 A.M. It will be returned to the licensee on Tuesday, September 12, 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  
Jamie Binienda, Investigator  
Nicholas Velez, Investigator  
Administration, File



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**KC BROTHERS LLC D/B/A WACHUSETT FARMS  
106 WORCESTER STREET  
WEST BOYLSTON, MA 01583  
LICENSE#: 89678-PK-1364  
VIOLATION DATE: 4/05/2023  
HEARD: 6/20/2023**

KC Brothers LLC d/b/a Wachusett Farms (“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 20, 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 Investigator Binienda’s Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigator Binienda’s Minimum Purchase Age Compliance Check Field Report;
2. ABCC Licensing Authority Certification, New License Approved, 11/6/2019;
3. ABCC Decision, 11/2/2022;
4. Licensee’s Stipulation of Facts.

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

FINDINGS OF FACT

1. On Wednesday, April 5, 2023, at approximately 2:38 p.m., Investigators Velez and Binienda (“Investigators”) conducted a compliance check at KC Brothers LLC d/b/a Wachusett Farms.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one 24-ounce can of Twisted Tea malt beverage, for three dollars and forty-nine cents (\$3.49). The underage operative was not asked for identification.
3. Mr. Patel, Licensee, appeared at the Commission hearing and testified as to steps taken to prevent future violations, including adding an additional employee to the schedule for the Licensee’s busy hours.

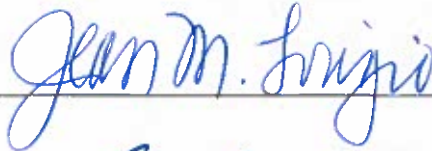
4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2019 with one previous violation.

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. As a result, the Commission suspends the license for a period of 1 day.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: July 11, 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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