



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

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: 6/27/2022
HEARD: 10/25/2022**

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, October 25, 2022, 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 Velez's Report.

The following documents are in evidence:

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

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

FINDINGS OF FACT

1. On Monday, June 27, 2022, at approximately 5:12 p.m., Investigators Binienda and Velez ("Investigators"), inspected the business operation of 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 Truly Lemonade hard seltzer for three dollars and ninety-nine cents (\$3.99). The underage operative was not asked to produced identification.
3. Shieyaben Patel, Licensee and Manager of Record, appeared at the Commission hearing and testified he was out of state at the time of the compliance check. He stated the clerk who sold the alcoholic beverage to the underage operative was temporary and is no longer employed by the Licensee. Mr. Patel is now working at the licensed premises every day.


In addition, Mr. Patel testified he has since installed an application on his point-of-sale system which requires an identification be scanned before a purchase is allowed.

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. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: November 2, 2022

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译

2022-000140-ad-enf

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