

December 22, 2010

Re: **Naj, Inc.**
DBA: **Ryan's Package Store**
Premise: **31 Franklin Street**
City/Town: **Westfield, MA 01085**
License #: **144000048**
Heard: **December 14, 2010**

NOTICE

After a hearings on December 14, 2010 the Commission finds Naj, Inc. dba Ryan's Package Store in violation of Massachusetts General Laws c. 138, §34.

The Commission **suspends the licensee's license for a total of eight (8) days to be served.** The suspension shall commence on **Wednesday, February 2, 2011 and terminate on Wednesday, February 9, 2011.** The license will be delivered to the Westfield Licensing Board or its designee on Wednesday, February 2, 2011 at 9:00 A.M. It will be returned to the licensee Thursday, February 10, 2011.

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 20 calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by 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 30 days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino-Wilichoski, Investigator
File

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DECISION

Naj, Inc. dba Ryan's Package Store (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on December 14, 2010 regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Caroline Guarino-Wilichoski's report .

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Caroline Guarino-Wilichoski's Report;
3. License Used by Minor;
4. Registry Information of Minor; and
5. One (1) Bottle of Roberto Superior Rum.

There is one (1) tape of this hearing.

FACTS

1. On November 12, 2010, Commission Investigator Caroline Guarino-Wilichoski and Officer Boyd of the Westfield Police Department were conducting an Enhanced Liquor Enforcement Operation in the City of Westfield.
2. At approximately 8.10 p.m. they observed a young female exit the store with a paper bag and then placed the alcoholic beverages in the trunk of the vehicle.

3. Then Investigator Guarino-Wilichoski checked all occupants of the vehicle for proof of age.
4. The female that purchased the alcoholic beverages gave a valid Massachusetts driver's license claiming she was twenty-three (23) years old.
5. Investigator Guarino-Wilichoski recognized the license was not the female patron and asked for her real driver's License which she did. The driver's license indicated she was age eighteen (18) years old.
6. Investigator Guarino-Wilichoski spoke with the store manager, Mr. Patel and the clerks on duty Mr. Kuta and Mr. Dupre, and they stated that one clerk checked the identification and the other took the money for the sale.
7. Mr. Patel was advised of the violation.
8. Administrative review of the file indicates the Licensee was cited for the same violation in 2008.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §34. The Commission **suspends the license for eight (8) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert Cronin, Commissioner_____

Susan Corcoran, Commissioner_____

Dated in Boston, Massachusetts this 22nd day of December 2010.

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 days of receipt of this decision.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino-Wilichoski, Investigator
File