



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

**NOTICE OF SUSPENSION**

August 9, 2016

**AVIARCH, LLC D/B/A COLONIAL PARK LIQUORS**  
**35 LOWELL ST**  
**WILMINGTON, MA 01887**  
**LICENSE#: 148200009**  
**VIOLATION DATE: 03/18/2016**  
**HEARD: 07/26/2016**

After a hearing on July 26, 2016, the Commission finds Aviarch, LLC d/b/a Colonial Park Liquors violated M.G.L. c. 138, §34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count).

The Commission suspends the license for a period of **three (3) days of which two (2) days will be served, and one (1) day will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

**The suspension shall commence on Wednesday, October 5, 2016 and terminate on Thursday, October 6, 2016.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 5, 2016 at 9:00 A.M. It will be returned to the licensee Friday, October 7, 2016.

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**

Kim S. Gainsboro  
Chairman

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这份文件是重要的，应立即进行翻译.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Brad Doyle, Investigator  
Rose Bailey, Investigator  
Administration, File



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**DECISION**

**AVIARCH, LLC D/B/A COLONIAL PARK LIQUORS**  
**35 LOWELL ST**  
**WILMINGTON, MA 01887**  
**LICENSE#: 148200009**  
**VIOLATION DATE: 03/18/2016**  
**HEARD: 07/26/2016**

Aviarch, LLC d/b/a Colonial Park Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, July 26, 2016, regarding an alleged violation of M.G.L. c. 138, §34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Doyle's report.

The following documents are in evidence:

1. Investigator Doyle's Investigative Report dated April 12, 2016;
2. Licensee's Stipulation of Facts;
3. Photocopy of Fake Identification; and
4. RMV Printout for Underage.

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

The Commission took Administrative Notice of the Licensee's record.

**FACTS**

1. On Tuesday, April 12, 2016, at approximately 5:30 p.m., Investigators Bailey and Doyle ("Investigators") investigated the business operation of Aviarch, LLC d/b/a Colonial Park Liquors to determine the manner in which their business was being conducted.
2. At approximately 5:30 p.m., Investigators conducted surveillance outside Colonial Park Liquors and witnessed a youthful looking male individual exit the licensed premises with a 6-pack of Dos Equis beer and two 4-packs of Boom Sauce beer, and place the beer on the front passenger seat of a Toyota Camry.

3. Investigators approached the car, identified themselves, and asked the male individual for identification. The individual appeared nervous and stated that he could not find his wallet. Investigators asked him to check his pockets.
4. Underage male opened his wallet and handed Investigators a fake Connecticut driver's license. Investigators could see a Massachusetts driver's license in the wallet and asked to view that license. The underage admitted his actual date of birth was 12/01/1995 (age 20).
5. Investigators asked the Underage which license he had used to purchase the beer. Underage stated that the clerk did not ask him for identification. He further admitted that he has purchased beer at this location two or three times prior to this occasion.
6. Investigators asked Underage if he had consumed any alcoholic beverages today. Underage stated that he had a beer earlier in the day. Investigators had Underage contact his mother and arrange for transportation home.
7. Investigators entered the store and identified the underage male to the clerk on duty, Paresh Patel.
8. Mr. Patel stated that the underage male has purchased beer in the past and therefore, he did not ask for his identification at the time of sale.
9. Investigators informed Mr. Patel of the violation and that a report would be filed with the Chief Investigator for further review.

#### CONCLUSION

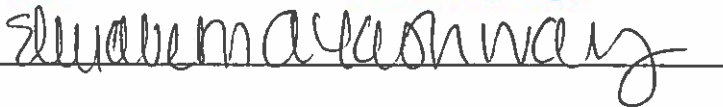
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, §34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). Therefore the Commission **suspends the license for a period of three (3) days of which two (2) days will be served, and one (1) day will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: August 9, 2016

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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