

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

Jean M. Lorizio, Esq.
Chairman

DECISION

**MANSI VIJAY CORP. D/B/A MCGOVERN'S PACKAGE STORE
82 MILLBURY STREET
WORCESTER, MA 01610
LICENSE#: 89459-PK-1508
VIOLATION DATE: 8/29/2024
HEARD: 10/22/2024**

Mansi Vijay Corp. d/b/a McGovern's Package Store ("Licensee" or "McGovern's Package") 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 22, 2024, regarding an alleged violation of M.G.L. Ch. 138 § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts). Prior to the commencement of the hearing the Licensee stipulated to the facts in Investigator Smiddy's report.

The following documents are in evidence:

1. Investigative Report of S. Smiddy;
2. ABCC Licensing Authority Certification, Transfer of License;
3. Photograph of Fraudulent Identification;
4. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, August 29, 2024, at approximately 9:00 p.m., Investigators Fleming and Smiddy ("Investigators"), along with Officer Patrick Harrington of the Worcester Police Department, began conducting surveillance of Mansi Vijay Corp. d/b/a McGovern's Package Store ("Licensee" or "McGovern's Package").
2. At approximately 9:25 p.m., Investigators observed an orange Volkswagen Beetle enter the parking lot of the licensed premises. They observed two youthful appearing male individuals exit the vehicle and enter McGovern's Package Store. Investigators then observed the two males exit the store in possession of alcoholic beverages and return to the vehicle.
3. Officer Harrington stopped the motor vehicle. Investigators approached the individuals, identified themselves and asked to see proof of lawful age to purchase and/or possess

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alcoholic beverages. The males were in possession of one 1.75 milliliter bottle of Blue Raspberry Svedka Vodka and a 12-pack of Twisted Tea.

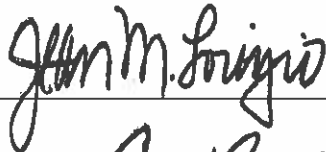
4. Underage #1, actual date of birth 2/6/2006 (age 18) and Underage #2, actual date of birth 12/29/2006 (age 17) stated to Investigators that they were not asked for identification when they purchased the alcoholic beverages.
5. At approximately 9:35 p.m., Investigators observed a Chevy Cobalt enter the parking lot of the licensed premises. Investigators observed one youthful appearing male individual exit the vehicle and enter McGovern's Package Store. The male exited the premises in possession of alcoholic beverages and returned to the motor vehicle.
6. Officer Harrington stopped the motor vehicle. Investigators approached, identified themselves and requested proof of legal age to purchase and/or possess alcoholic beverages. The male was in possession of one 30-pack of Bud Light beer, one 12-pack of Twisted Tea and one sleeve of Doctor McGillicuddy Grape nips.
7. Underage #3, actual date of birth 12/14/2005 (age 18) provided to Investigators a fraudulent Massachusetts Driver's License bearing his name but a different birth date.
8. Investigators informed the clerk of the above violations and that a report would be submitted to the Chief Investigator for further review.
9. Vijay Patel, Licensee, appeared at the Commission hearing. The Commission was informed the Licensee has since installed an identification scanner and all employees have received TIPS training.
10. The Licensee holds a license under M.G.L. c. 138, § 15.

CONCLUSION

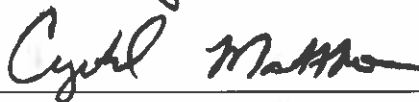
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts). Therefore, the Commission **suspends the license for a period of four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: February 21, 2025

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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‘Đây là tài liệu quan trọng và cần được dịch ngay’

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2024-000199-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Katherine McCormick, Esq., Associate General Counsel
Sean Smiddy, Investigator
Sean Fleming, Investigator
Officer Patrick Harrington, Worcester Police Department
Matthew S. Porter, Esq.
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 21, 2025

MANSI VIJAY CORP. D/B/A MCGOVERN'S PACKAGE STORE
82 MILLBURY STREET
WORCESTER, MA 01610
LICENSE#: 89459-PK-1508
VIOLATION DATE: 8/29/2024
HEARD: 10/22/2024

After a hearing on October 22, 2024, the Commission finds Mansi Vijay Corp. d/b/a McGovern's Package Store violated M.G.L. Ch. 138 § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts). The Commission **suspends the license for a period of two (2) days to be served.**

The suspension shall commence on Monday, April 7, 2025, and terminate on Tuesday, April 8, 2025. The license will be delivered to the Local Licensing Board or its designee on Monday, April 7, 2025, at 9:00 A.M. It will be returned to the licensee on April 9, 2025.

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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Frederick G. Mahony, Chief Investigator
Katherine McCormick, Esq., Associate General Counsel
Sean Smiddy, Investigator
Sean Fleming, Investigator
Officer Patrick Harrington, Worcester Police Department
Matthew S. Porter, Esq.
Administration, File



Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358
Telephone: (617) 727-3040 Fax: (617) 727-1510

Jean M. Lorizio, Esq.
Chairman

OFFER IN COMPROMISE IN LIEU OF SUSPENSION

Licensee Information:

License Number:

Licensee Name:

DBA(if any):

Address of Licensed Premises:

City/Town:

State:

Zip:

Business Phone:

Cell Phone:

Type of License:

Email:

(Restaurant, Package Store, Club, Hotel, Tavern, General on Premises, Veterans Club)

Offer in Compromise Information:

1. The above referenced licensee is submitting this Offer to the Alcoholic Beverages Control Commission in reference to a recent decision, resulting a suspension:

a. Violation Date:

b. Number of Days Suspended:

c. Hearing Date:

2. The licensee certifies that this offer is calculated according to the formula set forth in M.G.L. Chapter 138, §23. The amounts on the following line items (Item 4 and Item 5) may be from either the twelve (12) months immediately preceding the date of this violation (Item 1a above) or, for licensees that have been in business for more than one (1) year, from the licensee's most recent full fiscal (income tax) year.

3. State the Period Covered by the amounts on Item 5 and 6:

4. Total annual **receipts** from the sale of ONLY alcoholic beverages:

\$

5. Total annual **invoiced costs** of ONLY alcoholic beverages sold:

\$

6. Gross annual alcoholic beverage profit:

\$

[Item 4 (receipts) minus Item 5 (invoiced costs)]

7. Annual Number of Days in Operation (365, 313 or *):

**If the business has not been open a full year, please enter number of days the premises has been open along with an affidavit.*

Seven (7) Day Annual Operation = 365

Six (6) Day Annual Operation = 313

All others (Special Licenses/Seasonal Licenses) Enter actual days of operation during the year preceding the violation date (Line 9b.).

8. Daily Gross Alcoholic Beverage Profit: (Item 6 divided by Item 7)

\$

9. Enter 50% of Amount Indicated on Item 8:

\$

10. Daily Fine (If Item 9 is less than \$40.00, enter \$40.00):

\$

11. Enter the Number of Days the License is Suspended: (From Item 1b.)

12. Offer in Compromise Amount: (Multiply Item 10 by Item 11)

\$

Signed Under the Penalties of Perjury,

Signature of Licensee (If Licensee is a Corporation, Manager of Record signs)

Accountant Certification:

MA License Number (Licensed Public Accountant):

Print Name Clearly (Licensed Public Accountant):

Print Address Clearly (Licensed Public Accountant):

I swear under the pains and penalties of perjury that the figures contained in the petition are correct based on the books and records of the above referenced licensee.

Signature of MA Licensed Accountant

Important Information:

*Offer **MUST** be received by the ABCC within twenty (20) calendar days after Licensee's receipt of Commission's Decision. No offer will be accepted if it is late.

*Offer **MUST** be examined and certified by a **Massachusetts** Licensed Accountant. If the Accountant is not licensed in MA, it will not be accepted.

*Offer will be returned if any of the fields/amounts are calculated incorrectly.

*Offer **MUST** be accompanied by a Bank or Certified check, made payable to the Commonwealth of Massachusetts ABCC, for the full amount on Line 12.

**IF THIS OFFER IS ACCEPTED, THE LICENSEE WAIVES ALL RIGHTS TO APPEAL
AND WAIVES JUDICIAL REVIEW OF THE COMMISSION'S DECISION
PURSUANT TO MGL C. 138, § 23, AND 204 CMR 20.02.**