



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

**Jean M. Lorizio, Esq.**  
*Chairman*

**NOTICE OF SUSPENSION**

February 7, 2020

**OM HARSH CORPORATION D/B/A A & B LIQUORS  
110 MCKEON ROAD  
WORCESTER, MA 01613  
LICENSE #: 00248-PK-1508  
VIOLATION DATE: 9/21/2019  
HEARD: 1/28/2020**

After a hearing on January 28, 2020, the Commission finds Om Harsh Corporation d/b/a A & B Liquors violated M.G.L. Ch. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count).

**The Commission suspends the license for a period of two (2) days to be served.**

**The suspension shall commence on Monday, March 23, 2020 and terminate on Tuesday, March 24, 2020.** The license will be delivered to the Local Licensing Board or its designee on Monday, March 23, 2020 at 9:00 A.M. It will be returned to the licensee on March 25, 2020.

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  
Jan Kujawski, Investigator  
Caroline Guarino Wilichoski, Investigator  
Gregory C. Demakis, Esq.  
Officer Patrick Harrington, Worcester Police Department  
Administration, File



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Alcoholic Beverages Control Commission  
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*Chairman*

**DECISION**

**OM HARSH CORPORATION D/B/A A & B LIQUORS  
110 MCKEON ROAD  
WORCESTER, MA 01613  
LICENSE #: 00248-PK-1508  
VIOLATION DATE: 9/21/2019  
HEARD: 1/28/2020**

Om Harsh Corporation d/b/a A & B Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, January 28, 2020, regarding an alleged violation of M.G.L. Ch. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the violation in Investigator Kujawski's report.

The following documents are in evidence:

1. Investigator Kujawski's Investigative Report;
2. Licensee's Stipulation of Facts;
3. Copy of Fraudulent New York Driver's License;
- A. Copy of Employees' Training Certifications;
- B. Picture of Cash Register Screen;
- C. Email 12/26/2019 to Worcester Police Department Requesting Alcohol Awareness Class;
- D. Printout of Identification Scanner's Acceptance of Fraudulent Identification.

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

**FINDINGS OF FACT**

1. On Saturday, September 21, 2019, at approximately 4:57 p.m. Investigators Wilichoski and Kujawski ("Investigators") conducted an investigation of the business operation of Om Harsh Corporation d/b/a A & B Liquors to determine the manner in which its business was being conducted.

2. While conducting a surveillance of the establishment Investigators observed a youthful looking male exit the establishment carrying one 12-pack of White Claw Hard Seltzer. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 7/21/2001 (age 18), presented to Investigators a fraudulent New York driver's license in his own name with a different date of birth, which he used to purchase the alcoholic beverages. Underage #1 stated that he has purchased alcoholic beverages from this establishment.
4. Investigators entered the licensed premises with the underage male and identified him to the clerk on duty, Mukesh Patel. Investigators informed Mr. Patel that the identification provided at the time of service was fraudulent.
5. Investigators informed Mr. Patel of the violation, and that a report would be filed with the Chief Investigator for further review.
6. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2013 with two previous ABCC violations.
7. At the Commission hearing, the Licensee testified that since this incident all employees have been re-certified in Alcohol Intervention Methods.
8. The Licensee has been in contact with the Worcester Police Department which offers in-store training for local Licensees. They are awaiting an appointment for said training.
9. The Licensee has had a scanner for several years and updates the software regularly.
10. The Licensee also informed the Commission that they have had, and continue to implement, a policy wherein identification is requested from anyone appearing under the age of forty (40) years old. The Licensee also requires a second form of identification if an out of state license is presented.
11. The Licensee's point of sale system does not allow a purchase to be processed unless and until an employee enters a customer's date of birth.
12. The Licensee has implemented a new policy and will only accept a college identification as a 2<sup>nd</sup> means of identification if the school identification indicates a graduation date of the current school year.

### 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 years of age (1 count). Therefore, the Commission **suspends the license for a period of two (2) days to be served.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Crystal Matthews, Commissioner 

Jean M. Lorizio, Chairman 

Dated: February 7, 2020

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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