

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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

OM HARSH CORPORATION DBA A & B LIQUORS
110 MCKEON ROAD
WORCESTER, MA 01613
LICENSE#: 150800248
VIOLATION DATE: 09/13/2014
HEARD: 12/9/2014

Om Harsh Corporation dba A & B 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, December 9, 2014, regarding the alleged violation of c. 138, §34 – Sale or delivery of an alcoholic beverage to 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 Kujawski's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Kujawski's Investigative Report dated September 13, 2014;
3. RMV Printout for Massachusetts Driver's License for V. Iwejuo; and
4. Counterfeit Connecticut Driver's License for V. Iwejuo.

A. Advanced ID Detection LLC invoice dated September 16, 2014 for ID Reader.

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

FACTS

1. On Saturday, September 13, 2014, at approximately 9:15 p.m., Investigators Keefe and Kujawski investigated the business operation of Om Harsh Corporation dba A & B Liquors to determine the manner in which their business was being conducted.
2. Investigators conducted a surveillance of the establishment.
3. Investigators observed a youthful looking male individual walking out of the licensed premises, carrying a cardboard box. The box contained:
 - o two 1.5 liter bottles of Barefoot Pink Moscato wine;
 - o one 1.5 liter bottle of Orange rum; and
 - o one 1.75 liter bottle of Svedka Mango Pineapple vodka.
4. Investigators observed the male individual place the box with alcoholic beverages into a motor vehicle parked in the parking lot of the licensed premises.
5. Investigators observed the male individual return to the store and exit again carrying an 18-pack of Miller beer, and a 30-pack of Busch beer.
6. Investigators approached the male individual and asked to see proof of age.

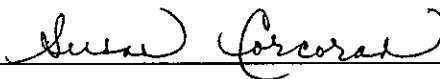
7. The male individual presented investigators with a counterfeit Connecticut Driver's License in his name with a date of birth [REDACTED] (age 21).
8. The male individual was identified as Valentine Iwejuo, actual date of birth [REDACTED] (age 19).
9. Mr. Iwejuo stated that he had purchased alcoholic beverages from this establishment on previous occasions. Tonight, at the time of this service, he was asked for proof of age and provided his fraudulent Connecticut Driver's License.
10. Investigators and Mr. Iwejuo entered the licensed premises.
11. Investigators identified themselves to the clerk on duty, Anandiben Patel.
12. Ms. Patel stated that she had requested proof of age from Mr. Iwejuo.
13. Investigators informed Ms. Patel that the identification presented was counterfeit.
14. Investigators informed the owner, Govind 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 c. 138, §34 – Sale or delivery of an alcoholic beverage to person under twenty-one (21) years of age (1 count). As the licensee has been in business for over ten (10) years and has had no previous violations, the Commission issues a **WARNING**.

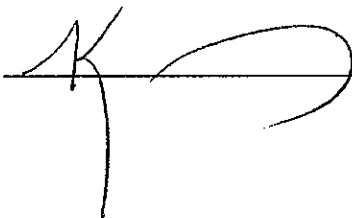
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated: January 6, 2015

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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jan Kujawski, Investigator
Dennis Keefe, Investigator
Joseph H. Devlin, Esq. via facsimile 781-592-4990
Administration
File