

*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**R.S.L. ENTERPRISES, INC. D/B/A HARRAHY'S PACKAGE STORE
107-A WARD STREET
WORCESTER, MA 01610
LICENSE#: 1508-00263
VIOLATION DATE: 9/14/2018
HEARD: 12/04/2018**

R.S.L. Enterprises, Inc. d/b/a Harrahy's Package Store (the "Licensee" or "Super Liquors") 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, December 4, 2018, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (3 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee Stipulation of Facts; and
3. Photocopy of Fraudulent Licenses.

A. Licensee's Signage Re: I.D. Requirements.

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

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

FINDINGS OF FACT

1. On Friday, September 14, 2018, Investigators Keefe and Di Cicco ("Investigators") conducted an investigation of the business operation of R.S.L. Enterprises, Inc. d/b/a Harrahy's Package Store to determine the manner in which its business was being conducted.
2. At approximately 7:50 p.m., Investigators observed a dark-colored sports utility vehicle pull into the parking lot of the above-mentioned package store. Investigators observed three (3) youthful appearing individuals exit the vehicle and use an automated teller machine next to the front door of the store before they entered the licensed premises.


3. Moments later, Investigators observed the three youthful appearing individuals exit the premises in possession of alcoholic beverages and enter the vehicle.
4. Underage #1, actual date of birth 8/02/1998 (age 20), stated to Investigators that he used a fraudulent Michigan driver's license to purchase the alcoholic beverages. Underage #1 was in possession of a 30-pack on Natural Ice beer, a 15-pack of Natural Ice beer, and two (2) cans of Four-LoCo malt beverage.
5. Underage #2, actual date of birth 12/02/1998 (age 19), stated to Investigators that he used a fraudulent Connecticut driver's license to purchase the alcoholic beverages. Underage #2 was in possession of an 18-pack on Natural Ice beer and a 1.75-liter bottle of Domino wine.
6. Underage #3, actual date of birth 8/02/1998 (age 20), stated to Investigators that he used a fraudulent Pennsylvania driver's license to purchase the alcoholic beverages. Underage #3 was in possession of a 30-pack on Natural Ice beer, a large can of Twisted Tea malt beverage, and a large can of Arnold Palmer Spiked Half and Half malt beverage.
7. Investigators entered the licensed premises and spoke to the Thomas Marum, who stated that he remembered the individuals coming in and purchasing the alcoholic beverages. Marum thought one of the individuals appeared nervous.
8. Investigators informed Mr. Marum of the violations and that a report would be filed with the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (3 counts). Therefore, the Commission **suspends the license for a period of six (6) days which 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

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: December 6, 2018

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Administration, File