

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

December 22, 2014

NIRAV, INC. DBA DARTMOUTH WINE & SPIRITS
313 STATE ROAD
DARTMOUTH, MA 02747
LICENSE#: 026600064
VIOLATION DATE: 09/18/2014
HEARD: 12/17/2014

After a hearing on December 17, 2014, the Commission finds Nirav, Inc. dba Dartmouth Wine & Spirits in 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).

The Commission suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, February 18, 2015, and terminate on day, Sunday, February 22, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 18, 2015 at 9:00 A.M. It will be returned to the licensee Monday, February 23, 2015.

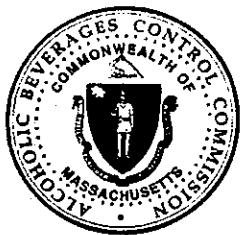
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jamie Binienda, Investigator
Nicholas Velez, Investigator
Arthur M. Pearlman, Esq. via facsimile 508-875-7843
Administration, File



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

NIRAV, INC. DBA DARTMOUTH WINE & SPIRITS
313 STATE ROAD
DARTMOUTH, MA 02747
LICENSE#: 026600064
VIOLATION DATE: 09/18/2014
HEARD: 12/17/2014

Nirav, Inc. dba Dartmouth Wine & Spirits (the "Licensee") holds an alcohol beverages license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Wednesday, December 17, 2014, 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 Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Investigative Report dated September 18, 2014;
2. Licensee's Stipulation of Facts; and
3. RMV Printout of Massachusetts Driver's License for D. Desrosier.

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

FACTS

1. On Thursday, September 18, 2014, at approximately 6:17 p.m., Investigators Velez and Binienda investigated the business operation of Nirav, Inc. dba Dartmouth Wine & Spirits to determine the manner in which their business was being conducted.
2. Investigators parked their vehicle outside the licensed premises to make observations.
3. Investigators observed a youthful looking male individual exit a vehicle and enter the premises.
4. Shortly thereafter, investigators observed this youthful looking male individual exit the store with alcoholic beverages, two 1.5 liters of Yellow Tail Pink Moscato wine and one 40 ounce bottle of Steel Reserve malt beverage.
5. Investigators approached the youthful looking male individual and asked to see identification.
6. The youthful looking male individual was identified as Donald Desrosier, actual date of birth [REDACTED] (age 19).
7. Mr. Desrosier stated that he showed the clerk inside the store a fraudulent Pennsylvania Driver's License.

8. Investigators entered the licensed premises and spoke to the clerk on duty, Venkat Kakulamarrri.
9. Investigators advised Mr. Kakulamarrri that Mr. Desrosier was 19 years of age and had a fraudulent identification.
10. Investigators informed Mr. Kakulamarrri of the violation and that a report would be filed with the Chief Investigator for further action.

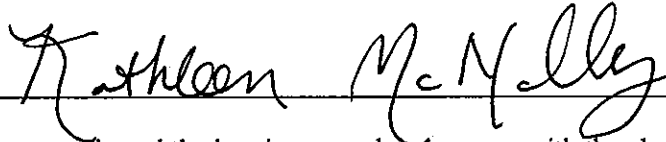
CONCLUSION

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 four (4) days of which one (1) day will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

By decision dated January 29, 2013, the Commission had previously ordered a four (4) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the licensee violated the conditions of that four (4) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the one (1) day suspension. The licensee will serve a total five (5) days.

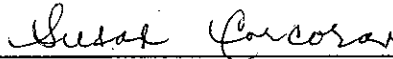
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Susan Corcoran, Commissioner



DATE: December 22, 2014

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
Jamie Binienda, Investigator
Nicholas Velez, Investigator
Arthur M. Pearlman, Esq. via facsimile 508-875-7843
Administration
File