

Re: Chan's Wine & Spirits – Dorchester, Inc.
d.b.a.: Alexander's
Premise: 755 Gallivan Blvd
City/Town: Boston, MA 02122
Heard: February 24, 2009

DECISION

A Commission hearing was held to determine whether Chan's Wine & Spirits - Dorchester, Inc. d.b.a. Alexander's (licensee) was in violation of Ch. 138, §34- Sale and delivery of an Alcoholic Beverage to a person under the age of 21 (1 count).

The licensee stipulated to the facts of the Investigator's report. Investigator John Carey testified that on January 16, 2009, an employee of the A.B.C.C. took a complaint from a concerned citizen in Quincy. He testified that this woman informed the A.B.C.C. that her underage daughter and her friends received a delivery of alcoholic beverages from Alexander's Liquor Store the weekend prior to her call.

Investigator Carey called Lt. Tarowski of the Quincy Police to inform him of the complaint and Investigator Carey learned that this store had made other deliveries into Quincy. At this point, a compliance check was established to determine if the licensee was verifying the ages of the individuals that deliveries were being made to.

An apartment was provided by the Quincy Police with an underage operative whom they have used in the past. This individual, a twenty-year-old female, called Alexander's with Quincy Police and A.B.C.C. Investigators Michael Teehan and John Carey in her presence. A reporter from the Patriot Ledger was also present. The underage operative placed an order of 2 30-packs of Bud Light beer, one case of Twisted Ice Tea, 1.75 liter of Captain Morgan Rum and 1.75 liter of Schmirnoff Vodka. She then asked for a total and was told they would call her back with one. Subsequent to this, the licensee called back and gave her a total of \$152.96 and told her they would make the delivery when they could. At no point was she asked her age.

Investigator Carey continued to testify that he called Chief Investigator Frederick Mahony to inform him that the order had been placed and the contents of the order. At this time, Chief Mahony and Investigator Mark Kenny were conducting outside surveillance of the premises. At approximately 7:16 p.m., they observed a male exit the store with an order similar to the order to the order described by Investigator Carey. The male put the order in a car and left. Shortly thereafter, Investigator Carey testified that a male arrived at the apartment in Quincy and delivered the alcohol to the female who had placed the order. She handed him one hundred and sixty dollars (\$160.00) and never received change. The deliveryman made to trips to deliver the alcohol, crossing the threshold of her apartment on

both occasions to bring the alcohol into the apartment. At no point did he ever ask for identification from the female.

The Quincy Police officers and the A.B.C.C. Investigators then confirmed that this was the same deliveryman from Alexander's (confirming MA registration, transportation permit, make and model of car). The Quincy Police then spoke to the deliveryman Shengli Chan to confirm the money exchange, which he denied. He was then asked to empty his pockets and upon doing so, he was observed to have eight twenty (\$20) dollar bills folded together in his pocket.

The licensee has had three prior violations of Section 34 of M.G.L. Chapter 138 since 2007. For the licensee to repeatedly act in such a careless, reckless manner is inexcusable. To take its behavior a step further to the point where the licensee is now delivering alcoholic beverages and not asking for any type of identification or attempting to ask is not only reckless, it is deplorable.

Therefore, the Commission finds the licensee in violation of Ch. 138, §34- Sale and delivery of an Alcoholic Beverage to a person under the age of 21 (1 count) and, **indefinitely suspends the Transportation Permit until a TIPS course has been completed.** Upon completion of the course, proof of successful completion must be provided to the A.B.C.C. At this time the licensee **must re-apply** for Transportation Permit.

Furthermore, the **licensee's license is suspended for 18 days commencing immediately on Wednesday, March 11, 2009.** The Commission will accept a fine in lieu of suspension for 9 days. However, you must serve the initial 9 days of the suspension beginning on the above-mentioned date. If a fine in lieu of suspension is not submitted, the suspension will terminate on Saturday, March 28, 2009.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner _____

Robert H. Cronin, Commissioner _____

Dated in Boston, Massachusetts this 6th day of March 2009.

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 days of receipt of this decision.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Lt. Peter Turowski, Quincy Police
File