

Re: Luong H. Nguyen
d.b.a.: Your Neighborhood Market
Premises: 103 School Street
City/Town: Salem, MA 01970
Heard: July 14, 2009

DECISION

A Commission hearing was held to determine whether Luong H. Nguyen d.b.a. Your Neighborhood Market violated 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, §34- Sale and delivery to a person under 21 years of age (7 counts).

The licensee stipulated to the Investigator's report. Investigator Paul Capurso testified that on May 28, 2009 at approximately 7:30 p.m., he and Investigator Teehan conducted a stationary surveillance outside of Your Neighborhood Market. While monitoring the area, they observed a youthful looking male exit the licensed premise in possession of alcoholic beverage. The Investigators identified themselves as A.B.C.C. Investigators and asked to see proof of age.

The first underage (d.o.b. 11/13/1997) was observed exiting the premises in possession of alcoholic beverages. When asked for proof of age, he produced a Florida State Driver's license and stated he was seventeen (17) years of age. He also stated that he was not asked for identification when purchasing the alcohol.

At approximately 8:25 p.m., the Investigators observed an underage male (d.o.b. 10/28/1990) exit the licensed premise in possession of alcoholic beverages. He stated to the Investigators, when approached by them, that he was never asked for any identification when making the purchase.

At 9:25 p.m., another underage male (d.o.b. 6/11/1989) exit the store with alcoholic beverages. When approached, he also stated that he was not asked for any type of identification when purchasing the alcoholic beverages.

The Investigators returned on May 29, 2009 at approximately 5:30 p.m. to the same establishment to set up surveillance to observe the way business was being conducted.

At approximately 7:34 p.m., they observed an underage male (d.o.b. 2/2/1989) exit the premises with alcoholic beverages. The male stated to the Investigators that he was never asked for identification when he purchased the alcohol.

At approximately 8:00 p.m., another underage male (8/14/1989) exited the premises in possession of alcohol and he also stated that he was never asked for any form of identification when making the purchase. The Investigators also made observations of two (2) other underage male individuals that night. One entered at 8:23 p.m. (d.o.b. 2/17/1990) and another at 9:05 p.m. (d.o.b. 1/21/1989). Both stated to the Investigators that they were never asked for identification during the transactions of the sale of alcohol.

An administrative review of the file showed that this was the licensee's first violation.

The Commission finds the licensee in violation of 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, §34- Sale and delivery to a person under 21 years of age (7 counts) and, therefore, **suspends the license for 29 days of which 19 days will be held in abeyance for a period of 2 years provided no further violations of Ch. 138 or Commission regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner _____

Robert H. Cronin, Commissioner _____

Dated in Boston, Massachusetts this 11th day of August 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;
File