



Jean M. Lorizio, Esq.
Chairman

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
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NOTICE OF SUSPENSION

April 12, 2017

**MARASWAMI CORP D/B/A TOPPS LIQUORS
128 WATER STREET
FITCHBURG, MA 01420
LICENSE#: 039400087
VIOLATION DATE: 09/22/2016
HEARD: 04/11/2017**

After a hearing on April 11, 2017, the Commission finds Maraswami Corp d/b/a Topps Liquors 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).

The Commission **suspends the license for a period of 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.**

The suspension shall commence on **Wednesday, May 31, 2017 and terminate on Wednesday, May 31, 2017.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 31, 2017 at 9:00 A.M. It will be returned to the licensee on Thursday, June 1, 2017.

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 which must be signed by the Licensee and 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.

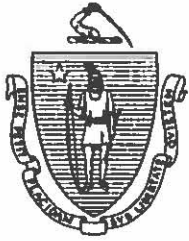
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in cursive script that reads "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Rose Bailey, Investigator
Administration, File



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DECISION

**MARASWAMI CORP D/B/A TOPPS LIQUORS
128 WATER STREET
FITCHBURG, MA 01420
LICENSE#: 039400087
VIOLATION DATE: 09/22/2016
HEARD: 04/11/2017**

Maraswami Corp d/b/a Topps 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, April 11, 2017, 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 start of the hearing, the Licensee stipulated to the violation in Investigator Doyle's report.

The following documents are in evidence:

1. Investigator Doyle's Investigative Report;
2. Licensee's Stipulation of Facts; and
3. RMV Printout of Underage Male.

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

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

FINDINGS OF FACT

1. On Thursday, September 22, 2016, at approximately 7:45 p.m., Investigators Bailey and Doyle ("Investigators") conducted an investigation of the business operation of Maraswami Corp d/b/a Topps Liquors to determine the way its business was being conducted.
2. While conducting surveillance outside the licensed premises, Investigators observed a youthful appearing male individual exit the store with an 18-pack of Budweiser Light beer, and place it in the back seat of a Nissan Altima.
3. Investigators approached the male individual, identified themselves, and asked for proof of legal age. The male appeared nervous and stated he did not have his identification on him. Investigators asked him to check his wallet.


4. Underage male, actual date of birth 3/28/1997 (age 19) presented Investigators with a fake Connecticut driver's license which he had used to purchase the alcoholic beverages. The underage stated that he had purchased beer at this location one time prior to this occasion.
5. Investigators entered the licensed premises with the underage and identified the underage to the clerk on duty, Kamleshibhai Manibhai. Investigators showed Manibhai the Connecticut license used to purchase the beer and advised him this was a false identification.
6. Investigators informed Mr. Manibhai of the violation and that a report would be filed with the Chief Investigator for further action.

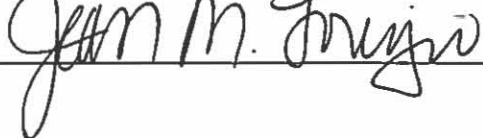
CONCLUSION

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 a period 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.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Elizabeth Lashway, Commissioner 

Jean M. Lorizio, Chairman 

Dated: April 12, 2017

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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