



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

DECISION

**MOHAMMAD ISLAM D/B/A OLD TOWNE MARKET
8 POST OFFICE SQUARE
LYNNFIELD, MA 01940
LICENSE#: 0640-00020
VIOLATION DATE: 5/18/2019
HEARING DATE: 8/20/2019**

Mohammad Islam d/b/a Old Towne Market (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, August 20, 2019, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Keefe’s Report.

The following documents are in evidence:

1. Investigator Keefe’s Report;
2. Licensee’s Stipulation of Facts;
3. Photocopies of Fraudulent Driver’s Licenses;
4. ABCC Decision 6/11/2019; and
5. Copy of Licensee’s Application Approved 10/10/2006.

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

FACTS

1. On Saturday, May 18, 2019, at approximately 5:25 p.m., Investigators Guarino-Wilichoski and Keefe (“Investigators”) investigated the business of Mohammad Islam d/b/a Old Towne Market.
2. Investigators observed a youthful appearing male exit the premises in possession of alcoholic beverages. Investigators approached the individual, identified themselves, and asked to see proof of legal age.

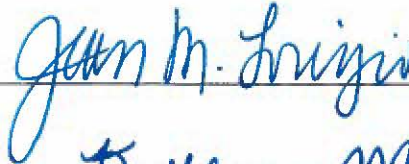
3. Underage #1, actual date of birth 11/04/2001 (age 18) was in possession of two cans of Twisted Tea malt beverage and two cans of Mike's Hard Lemonade malt beverages. Underage #1 stated to Investigators that he presented a fraudulent Maine driver's license to purchase the alcoholic beverages.
4. At approximately 6:11 p.m., Investigators observed another youthful appearing male exit the premises in possession of alcoholic beverages. Investigators approached the individual, identified themselves, and asked to see proof of legal age.
5. Underage #2, actual date of birth 3/06/2000 (age 19) was in possession of a 6-pack of Bud Light Platinum beer. Underage #2 stated to Investigators that he presented a fraudulent Maine driver's license to purchase the alcoholic beverages.
6. At approximately 6:19 p.m., Investigators observed yet another youthful appearing male exit the premises in possession of alcoholic beverages. Investigators approached the individual, identified themselves, and asked to see proof of legal age.
7. Underage #3, actual date of birth 2/03/1999 (age 20) was in possession of three cans of Twisted Tea malt beverage. Underage #3 stated to Investigators that he was not asked for identification when he purchased the alcoholic beverages since he is a regular customer.
8. Investigators entered the licensed premises and spoke with the clerks on duty, Mohammed Ahmed and Tofayel Ahmed whom they identified as the persons who sold the alcoholic beverages to the three underage persons.
9. Investigators informed Ahmed of the violations, and that a report would be filed with the Chief Investigator for further 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. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts). Therefore, the Commission **suspends the license for a period of six (6) days of which (2) days will be served and four (4) 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

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: August 29, 2019

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
Dennis Keefe, Investigator
Caroline Guarino Wilichoski, Investigator
Administration, File