



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**BRIJES CORPORATION D/B/A BEACH BLUFF LIQUORS
260 HUMPHREY STREET
MARBLEHEAD, MA 01945
LICENSE#: 88860-PK-0656
VIOLATION DATE: 5/25/2019
HEARD: 9/10/2019**

Brijes Corporation d/b/a Beach Bluff Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, September 10, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale of delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee Stipulation of Facts; and
3. Licensee's License Application Approved 8/24/2016.

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

FINDINGS OF FACT


1. On Saturday, May 25, 2019, at approximately Investigators Keefe and Di Cicco ("Investigators") conducted an investigation of the business operation of Brijes Corporation d/b/a Beach Bluff Liquors to determine the manner in which its business was being conducted.
2. At approximately 8:45 p.m., Investigators pulled into the rear parking lot of the licensed premises and observed a motor vehicle occupied by a youthful appearing individual, seating in the front passenger seat.

3. A few moments later, Investigators observed a youthful appearing male exit the premises, in possession of alcoholic beverages, and get into the driver's seat of the motor vehicle. Investigators identified themselves and asked to see proof of legal age.
4. Underage #1, actual date of birth 3/01/1999 (age 20), was in possession of a 6-pack of Modelo beer, a large can of Coors Light beer, and a small bottle of Tito's vodka. The underage male stated that he was not asked for identification when he purchased the alcoholic beverages.
5. The youthful appearing passenger was properly identified and was under the age of twenty-one.
6. Investigators entered the licensed premises with the Underage individual and identified him to Brijesh Patel and Samirkumar Patel. Mr. Brijesh informed Investigators that he sold the alcoholic beverages to the minor and on this occasion, he did not ask him for identification.
7. Investigators informed Brijesh and Samirkumar Patel of the violation, and that a report would be filed with the Chief Investigator for review.
8. The Licensee has been licensed under M.G.L. c. 138, § 15 since 2016 with no prior violations.

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. Ch. 138, § 34 Sale of delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). Therefore, the Commission **suspends the license for a period of two (2) days of which one (1) day will be served and one (1) day will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occurs.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: September 10, 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
Kyle E. Gill, Esq., Associate General Counsel
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Gregory Demakis, Esq.
Administration, File