



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

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**ASARAM INC. D/B/A SHOP KWIK SUPERETTE  
534 LYNNFIELD STREET  
LYNN, MA 01905  
LICENSE#: 89453-PK-0638  
VIOLATION DATE: 12/19/2020  
HEARD: 3/10/2021**

Asaram Inc. d/b/a Shop Kwik Superette (the “Licensee”) holds an alcoholic beverages license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Wednesday, March 10, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 53 (Nov. 2, 2020) – Sale, service, or delivery of alcoholic beverages after 9:30 pm.

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 Report;
2. License Transfer Approval, 12/4/2018;
3. Massachusetts Executive COVID-19 Order No. 53, 11/2/2020;
4. Licensee Stipulation of Facts.

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

**FINDINGS OF FACT**

1. On Saturday, December 19, 2020, at approximately 9:45 p.m., Investigators Gould and Di Cicco (“Investigators”) conducted an investigation of Asaram Inc. d/b/a Shop Kwik Superette to determine the manner in which its business was being conducted, and to ensure compliance with Massachusetts Governor Charles Baker’s Executive COVID-19 Orders.
2. While outside of the establishment, Investigators observed individuals, in possession of alcoholic beverages, exiting the licensed premises, which occurred after 9:30 p.m.

3. Investigators later entered the licensed premises and observed multiple individuals purchasing alcoholic beverages after 9:30 p.m. The Investigators observed the sale of a case of Heineken beer to an individual at approximately 10:00 p.m.
4. Investigators identified themselves to the employees working and advised them of the COVID-19 Order which prohibits the sale of alcoholic beverages after 9:30 p.m.
5. The owner of Shop Kwik Superette later contacted Investigator Di Cicco, who advised him of the violations and that a report would be filed with the Chief Investigator for review.
6. Narayan Patel, Licensee, appeared at the Commission hearing and testified the evening manager at the licensed premise had not been aware of the order prohibiting the sale of alcoholic beverages after 9:30 p.m. Mr. Patel testified changes were immediately implemented to ensure compliance.
7. The Licensee has held a license under M.G.L. c. 138, § 15 since 2018 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: Violation of Mass. Exec. COVID-19 Order No. 53 (Nov. 2, 2020) – Sale, service, or delivery of alcoholic beverages after 9:30 pm.

The Commission hereby **INDEFINITELY SUSPENDS** the license of Asaram Inc. d/b/a Shop Kwik Superette **effective forthwith** until further written order of the Commission.

The Commission will not issue any further order without a written request from the licensee showing good cause to reconsider this indefinite suspension.

Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards (“DLS”) as to a reopening plan. The Licensee must submit to the DLS a COVID Control Plan to reopen (see link here: <https://www.mass.gov/doc/sector-specific-workplace-safety-standards-for-retail-businesses-to-address-covid-19-030121/download>) and operate in compliance with COVID 19 Orders Nos. 33, 37, 40, and 43, and the Restaurant Sector Specific Standards. Said plan must be submitted to both Michael Flanagan ([michael.flanagan@mass.gov](mailto:michael.flanagan@mass.gov)) and Mary Dozois ([mary.dozois@mass.gov](mailto:mary.dozois@mass.gov)) requesting review and approval.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner Cybil Matthews

Deborah A. Baglio, Commissioner Deborah A. Baglio

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: March 18, 2021

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.

This document is important and should be translated immediately.  
Este documento es importante y debe ser traducido inmediatamente.  
Este documento é importante e deve ser traduzido imediatamente.  
Ce document est important et devrait être traduit immédiatement.  
Questo documento è importante e dovrebbe essere tradotto immediatamente.  
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.  
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Joseph Di Cicco, Investigator  
Brian Gould, Investigator  
Michael Flanagan, Dept. of Labor Standards  
H. Glenn Alberich, Esq.  
Administration, File