



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

May 9, 2017

**M.Z. ENTERPRISES INC. D/B/A FALMOUTH FOOD MART & LIQUOR
414 MAIN ST., EAST FALMOUTH HWY
FALMOUTH, MA 02536
LICENSE#: 039000088
VIOLATION DATE: 09/02/2016
HEARD: 05/09/2017**

After a hearing on May 9, 2017, the Commission finds M.Z. Enterprises Inc. d/b/a Falmouth Food Mart & Liquor 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 three (3) days of which one (1) day will be served, and two (2) 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, June 28, 2017 and terminate on Wednesday, June 28, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 28, 2017 at 9:00 A.M. It will be returned to the licensee on Thursday, June 29, 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.

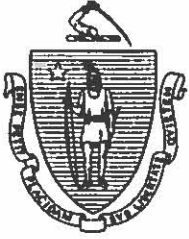
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in black ink that reads "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Lisa Lordan, Investigator
Ben Losordo, Esq. via facsimile 508-833-2307
Administration, File



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Jean M. Lorizio, Esq.
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DECISION

**M.Z. ENTERPRISES INC. D/B/A FALMOUTH FOOD MART & LIQUOR
414 MAIN ST., EAST FALMOUTH HWY
FALMOUTH, MA 02536
LICENSE#: 039000088
VIOLATION DATE: 09/02/2016
HEARD: 05/09/2017**

M.Z. Enterprises Inc. d/b/a Falmouth Food Mart & Liquor (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, May 9, 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 Keefe's report.

The following documents are in evidence:

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

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

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

FINDINGS OF FACT

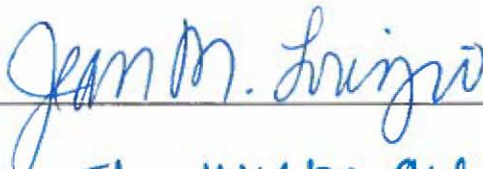
1. On Friday, September 2, 2016, Investigators Lordan and Keefe ("Investigators") conducted an investigation of the business operation of M.Z. Enterprises Inc. d/b/a Falmouth Food Mart & Liquor to determine the way its business was being conducted.
2. At approximately 9:35 p.m., while outside the licensed premises, Investigators observed a youthful appearing male individual exit the store with a 10-pack of Fireball Cinnamon Whisky Nips.
3. Investigators approached the male individual, identified themselves, and asked for proof of legal age.
4. Underage male, actual date of birth 8/14/1996 (age 20) stated that he was not asked for identification when he purchased the alcoholic beverages.

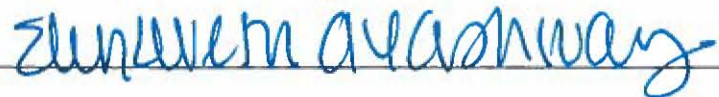
5. Investigators entered the licensed premises with the underage who identified the clerk on duty as the person who had sold him the alcoholic beverages.
6. Investigators identified the underage to the clerk on duty, Sunil Gurung. Mr. Gurung stated that he had not asked the underage male for identification.
7. Investigators informed Mr. Gurung of the violation and that a report would be filed with the Chief Investigator for further review.

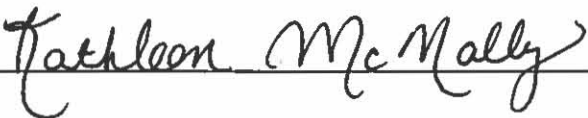
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 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 of three (3) days of which one (1) day will be served, and two (2) 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 

Elizabeth Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: May 9, 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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