

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

November 29, 2013

KHOMPONG THOM MARKET, INC. DBA APPLETON LIQUORS
171 APPLETON ST. & SO
LOWELL, MA 01851
LICENSE#: 063000119
VIOLATION DATE: 08/16/2013
HEARD: 11/26/2013

After a hearing on November 26, 2013, the Commission finds Khompong Thom Market, Inc. dba Appleton Liquors in violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138 §23 Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (74 counts).

The Commission **suspends the licensee's license for a total of three (3) days to be served. The suspension shall commence on Wednesday, January 22, 2014 and terminate on Friday, January 24, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 22, 2014 at 9:00 A.M. It will be returned to the licensee Saturday, January 25, 2014.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

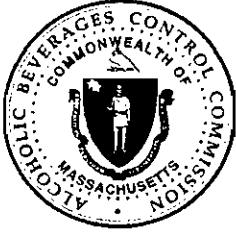
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Caroline Guarino-Wilichoski, Investigator
Administration
File

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The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

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DECISION

KHOMPONG THOM MARKET, INC. DBA APPLETON LIQUORS
171 APPLETON ST. & SO
LOWELL, MA 01851
LICENSE#: 063000119
VIOLATION DATE: 08/16/2013
HEARD: 11/26/2013

Khompong Thom Market, Inc. dba Appleton 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, November 26, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138 §23 Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (74 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Temple's Investigative Report dated August 16, 2013.

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

FACTS


1. On Friday, August 16, 2013, at approximately 12:30 p.m., Investigators Kujawski, Keefe, Wilichoski and Temple conducted an investigation of the business operation of Khompong Thom Market, Inc. dba Appleton Liquors to determine the manner in which its business was being conducted.
2. Investigators identified themselves to the clerk on duty, Cheang Tell, and asked to speak to a manager or owner.
3. Mr. Tell stated that he was the owner.
4. Investigators asked Mr. Tell if he purchases alcoholic beverages for the licensed premises in New Hampshire. Mr. Tell stated that he did.
5. Investigators asked from which stores he purchased the alcoholic beverages.
6. Mr. Tell stated that he purchased alcoholic beverages from Walnart in Hudson, New Hampshire.
7. Investigators then asked Mr. Tell to show them the alcoholic beverages which had been purchased from New Hampshire.

8. Investigators removed these alcoholic beverages and took them as evidence. They were:
 - o 2 12-packs of Corona Light beer;
 - o 13 12-packs of Corona beer
 - o 30 12-packs of Heineken beer; and
 - o 29 24-packs of Heineken beer.
9. Investigators informed Mr. Tell of the violation and that a report would be submitted to the Chief Investigator for 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 §23 Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (74 counts). Therefore, the Commission **suspends the license for fifteen (15) days of which three (3) days will be served and twelve (12) 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

Susan Corcoran, Commissioner 

Kathleen McNally, Commissioner 

Dated: November 29, 2013

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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Caroline Guarino-Wilichoski, Investigator
Administration
File