

**Legal Notice
(Seal)
Town of Reading**

Alleged Violation – M.G.L. Chapter 138, §34 - Sale to Minor

To the Inhabitants of the Town of Reading:

Please take notice that the Board of Selectmen as the Licensing Authority for the Town of Reading will hold a public hearing on Tuesday, September 2 at 8:30 p.m. in the Selectmen's Meeting Room, 16 Lowell Street, Reading, Massachusetts to show cause why Jay & Ricky, Inc. d/b/a Ricky's Liquor, Retail Package Store License to Expose, Keep for Sale and to Sell All Kinds of Alcoholic Beverages should not be modified, suspended or revoked for violating G.L. Chapter 138, §34 on August 3, 2014 to wit: the sale or delivery of alcoholic beverages to a person under 21 years of age.

All interested parties may appear in person, may submit their comments in writing, or may email comments to townmanager@ci.reading.ma.us.

By order of
Robert W. LeLacheur
Town Manager

To the Reading Chronicle: Please publish on August 26, 2014

Send the bill and tear sheet to: Town Manager, 16 Lowell Street, Reading, MA 01867



Town of Reading
16 Lowell Street
Reading, MA 01867-2685

FAX: (781) 942-9071
Email: townmanager@ci.reading.ma.us
Website: www.readingma.gov

TOWN MANAGER
(781) 942-9043

Delivered in Hand

August 7, 2014

Kalpesh Patel
Jay & Ricky, Inc.
214 Main Street
Reading, MA 01867

NOTICE OF HEARING
Alleged Violation - M.G.L. Chapter 138, §34 – Sale to Minor

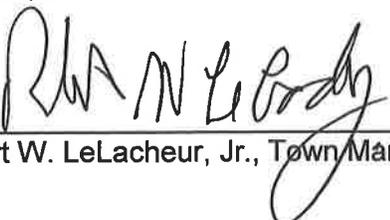
Dear Mr. Patel:

You are hereby notified that a public hearing will be held by the Board of Selectmen as the Licensing Authority for the Town of Reading, on Tuesday, September 2, 2014 at 8:30 p.m. in the Selectmen's Meeting Room, Town Hall, 16 Lowell Street, Reading, MA, to show cause why your Retail Package Goods Store License to Expose, Keep for Sale and to Sell All Kinds of Alcoholic Beverages Not to be Drunk on the Premises should not be modified, suspended or revoked for violating G.L. Chapter 138, §34 on August 3, 2014 to wit: the sale or delivery of alcoholic beverages to a person under 21 years of age.

This public hearing will be held pursuant to the provisions of G.L. c.138, §64. After the hearing, the Board of Selectmen may vote to suspend or revoke your license if it finds that there is satisfactory proof that a violation has occurred. You may appear on your own behalf and/or with your legal counsel and present witnesses.

For your information and review, copies of police report(s) concerning the alleged incident are enclosed herewith.

Sincerely,



Robert W. LeLacheur, Jr., Town Manager

Encl.

cc: Town Counsel
Chief James Cormier
Alcoholic Beverages Control Commission



READING POLICE DEPARTMENT OFFICE OF THE CHIEF

James W. Cormier
Chief of Police

15 Union Street, Reading, Massachusetts 01867
Emergency Only: 911 All Other Calls: 781-944-1212 Fax: 781-944-2893
E-Mail: JCormier@ci.reading.ma.us

Honorable Board of Selectmen
16 Lowell Street
Reading, MA 01867

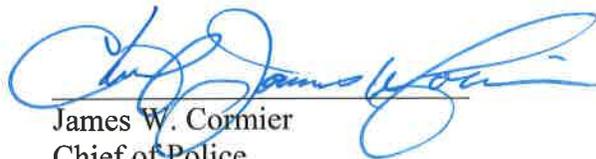
August 04, 2014

Dear Members of the Honorable Board of Selectmen,

I am requesting a hearing before you for a violation of MGL C138, S34, Sale or Delivery of an alcoholic beverage to a person less than twenty-one years of age. We assert the following serving establishment licensed by you committed the violation on August 03, 2014:

Ricky's Liquors
214 Main Street
Reading, MA 01867

Sincerely,


James W. Cormier
Chief of Police

No Image
Available

DEFENDANT 140982 [REDACTED]

No Image
Available

PERSON TO 010826 MORGAN, TIMOTHY P [REDACTED]
81 ELM ST WAKEFIELD MA

PERSON TO 030051 MCCAFFERTY, WILLIAM E (617) 797-4698 [REDACTED]
62 CROSS ST READING MA 01867

BUILDING 030876 PATEL, KALPESH D (781) 248-6186 [REDACTED]
12 BENJAMIN LN READING MA 01867

PERSON TO 054936 INGEMI, GREGG E [REDACTED]
261 NEWBURY ST apt: 87C PEABODY MA 0196

PERSON TO 140984 BOYDEN, BRENDA J (617) 818-4987 [REDACTED]
72 VERNON ST WAKEFIELD MA 01880

PERSON TO 140986 CRESTA, VICTORIA A [REDACTED]
177 BROADWAY WAKEFIELD MA 01880

PERSON TO 140987 MORO, MAUREEN A [REDACTED]
4 MACKENZIE LN WAKEFIELD MA 01880

*** PROPERTY ***

Prop.Type	Make	Mod/Style	Color	Ser#/Vin#

	rpt'd: 08/03/14	class: 02	qty: 375.00	
ALCOHOL	JAGERMEISTER			
Id/Desc:		115972 - 1	Value: \$0	Ncic:
control #:		bin #:		analy #:
gen note:	JAGERMEISTER 375 ML			

	rpt'd: 08/03/14	class: 02	qty: 375.00	
ALCOHOL	CIROC- PEACH			
Id/Desc:		134608 -	Value: \$0	Ncic:
control #:		bin #:		analy #:
gen note:	CIROC - PEACH LOCATED IN TRUNK OF MA 772MD1			

	rpt'd: 08/03/14	class: 02	qty: 16.00	
ALCOHOL	BUDWEISER			
Id/Desc:		134608 -	Value: \$0	Ncic:
control #:		bin #:		analy #:
gen note:	BUDWEISER- 6 PACK 16 FL			

	rpt'd: 08/03/14	class: 02	qty: 1.00	
ALCOHOL	BUD LIGHT			
Id/Desc:		134608 -	Value: \$0	Ncic:
control #:		bin #:		analy #:
gen note:	BUD LIGHT 6 PACK CANS (2), 8 PACK BOTTLES (2), 18 PACK CANS			

	rpt'd: 08/03/14	class: 7A	qty: 1.00	
CRIME SCENE P				

Id/Desc: SURV. VIDEO FOOTAGE Value: \$0 Ncic:
030876 - KALPESH PATEL
control #: bin #: analy #:
gen note: SURV VIDEO FOOTAGE RICKY'S LIQUOR

*** NARRATIVE ***

The following narrative is submitted by: OFF. LAURA BULLIS

ID#: 83

THE FOLLOWING IS A SUMMARY OF THE FACTS. ON 08/03/2014 I WAS WORKING THE C SHIFT ASSIGNED TO MARKED PATROL CRUISER 11 IN SECTOR 2. DUE TO THE RECENT INFORMATION SURROUNDING THE SELLING OF ALCOHOL TO YOUTHS AT RICKY'S LIQUOR AT 214 MAIN STREET (FOR MORE INFORMATION SEE DETECTIVE MACHUGH'S REPORT CASE #580209) I WAS PATROLLING THE AREA.

AT APPROXIMATELY 1850 HOURS I WAS IN THE PARKING LOT OF RICKY'S LIQUOR WHEN I NOTICED A MALE WITH A GRAY T-SHIRT AND BLUE SHORTS EXIT THE STORE WITH A BOTTLE OF JAGERMEISTER (375 ML) IN PLAIN VIEW AND WITHOUT A BAG. THE MALE APPEARED TO LOOK UNDER 21 YEARS OF AGE AND LOOKED LIKE A TEENAGER. I OBSERVED THE MALE ENTER THE PASSENGER SEAT OF A 2002, BROWN NISSAN ALTIMA (MA REG 772MD1). I OBSERVED THE DRIVER AND THE 3 PASSENGERS IN THE REAR OF THE VEHICLE TO ALL APPEAR TO BE UNDER 21 YEARS OF AGE AND RESEMBLE TEENAGERS.

AT THAT TIME THE WINDOW WAS DOWN IN THE CRUISER AND THEY WERE ALSO DOWN IN THE AFOREMENTIONED VEHICLE. I ASKED THE PASSENGER WHAT HE HAD GOTTEN FOR THE NIGHT AND HE REPLIED, "JAGER!" I THEN ASKED HIM HOW OLD HE WAS, HE REPLIED, "21". I ASKED HIM IF HE HAD A DRIVER'S LICENSE ON HIM AND HE STATED THAT HE DID NOT. I ASKED HIM WHAT HIS DATE OF BIRTH WAS AND HE HESITATED AND STATED, "JULY 20...." I THEN ASKED HIM WHAT YEAR HE WAS BORN AND AGAIN HE HESITATED AND APPEARED TO BECOME INCREASINGLY NERVOUS. HE FINALLY STATED "UHH 1992." TYPICALLY PEOPLE DO NOT HESITATE WHEN ASKED THEIR DATE OF BIRTH SO I BECAME MORE SUSPICIOUS OF HIS ACTUAL AGE. AT THAT TIME I PULLED UP THE CRUISER TO THE DRIVER'S SIDE OF THE VEHICLE AND ASKED HIM WHAT HIS NAME AND DATE OF BIRTH WERE AND BEGAN TO TYPE IT INTO MY MOBILE DATA TERMINAL. HE STATED THAT HIS NAME WAS [REDACTED] [REDACTED] FINALLY STATED THAT HE WAS BORN IN [REDACTED] AND HE JUST RECENTLY TURNED 17 YEARS OF AGE. [REDACTED] ADMITTED THAT HE HAD PURCHASED THE ALCOHOL FROM RICKY'S LIQUOR AND THAT HE DID NOT STATE HIS AGE AND WAS NOT ASKED FOR ANY IDENTIFICATION.

I INFORMED SGT AMENDOLA OF THE SITUATION AND SHE STATED THAT SHE WOULD COME TO ASSESS THE SITUATION. AS I WAS SPEAKING WITH THE OCCUPANTS OF THE VEHICLE THEY STATED THAT THEY WERE ALL 17 AND 18 YEARS OLD. THEY STATED THAT THEY HAD COME TO RICKY'S LIQUOR ON MULTIPLE OCCASIONS PRIOR TO TODAY TO OBTAIN ALCOHOL. [REDACTED] STATED THAT HE DID NOT SHOW THE STORE CLERK ANY IDENTIFICATION AND THAT HE WAS NOT ASKED FOR ANY. WHILE I WAS SPEAKING TO THE OCCUPANTS THE STORE CLERK EXITED THE STORE AND APPROACHED ME ASKING WHAT THE PROBLEM WAS. I TOLD HIM TO GO BACK INTO THE STORE AND THAT I WOULD SPEAK TO HIM AFTER I WAS DONE. AFTER HE WENT BACK INTO THE STORE I ASKED [REDACTED] IF THAT WAS WHO SOLD HIM THE ALCOHOL AND HE REPLIED "YES."

SGT AMENDOLA AND OFFICER HURLEY ARRIVED ON SCENE. ALL PARTIES WERE ASKED TO EXIT THE VEHICLE AND WERE IDENTIFIED AS THE FOLLOWING:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

THERE WERE NO SIGNS THAT ANY OF THE INDIVIDUALS WERE UNDER THE INFLUENCE OF ALCOHOL; HOWEVER, DUE TO ALCOHOL BEING INVOLVED THEY WERE ALL OFFERED AND ACCEPTED TO TAKE THE PORTABLE BREATH TEST. ALL OF THE INDIVIDUALS YIELDED A RESULT OF 0.00% ON THE BREATH TEST. ALL PARTIES WERE ASKED TO CONTACT THEIR LEGAL GUARDIAN TO COME AND PICK THEM UP.

WHILE I WAS CONDUCTING THE PORTABLE BREATH TEST, SGT AMENDOLA WAS SEARCHING THE VEHICLE. THE OPERATOR OF THE VEHICLE, [REDACTED], STATED THAT THE TRUNK WAS BROKEN AND THAT HE COULD NOT OPEN IT. SGT AMENDOLA ASKED HIM TO OPEN THE TRUNK AND HE THEN APOLOGIZED FOR BEING UNTRUTHFUL AND OPENED THE TRUNK. THE FOLLOWING WAS LOCATED IN THE TRUNK OF THE VEHICLE:

CIROC (PEACH) 375 ML
BUDWEISER (16 PACK/16 FL)
BUD LIGHT (TWO 6 PACKS OF CANS/12 FL)
BUD LIGHT (TWO 8 PACKS OF ALUMINUM BOTTLES/16 FL)
BUD LIGHT (18 PACK OF CANS)

TOTALING - 62 BEERS AND 1 PEACH CIROC

[REDACTED] STATED THAT THE YOUTHS HAD ALL CONTRIBUTED MONEY TOTALING \$90 TO PURCHASE BOTH THE ALCOHOL LOCATED IN THE TRUNK AND ALSO THE JAGERMEISTER THAT WAS IN THE FRONT SEAT WITH THE PASSENGER. [REDACTED] REPORTED THAT THE YOUTHS HAD PLANNED TO GO TO THE WOODS IN WAKEFIELD TO CONSUME THE ALCOHOL. [REDACTED] REPORTED THAT THE ALCOHOL HAD BEEN OBTAINED AT RICKY'S LIQUOR AND THAT THE BEER AND CIROC WERE PURCHASED BY BOTH HIMSELF AND [REDACTED] AND THAT [REDACTED] WENT INTO THE STORE A SECOND TIME TO BUY THE JAGERMEISTER. [REDACTED] ALSO CONFIRMED THAT NEITHER HIM OR [REDACTED] WERE ASKED FOR THEIR DRIVER'S LICENSE OR PROOF OF AGE BY THE STORE CLERK.

THE FOLLOWING IS THE LIST OF EACH LEGAL GUARDIAN WHO PICKED UP EACH YOUTH:

[REDACTED] - WILLIAM MCCAFFERTY
[REDACTED] GREGG INGEMI/BRENDA BOYDEN
[REDACTED] - TIMOTHY MORGAN
[REDACTED] VICTORIA CRESTA
[REDACTED] MAUREEN MORO

EACH OF THE GUARDIANS AND YOUTHS WERE INFORMED THAT THEY WOULD BE SUMMONSED TO EITHER WOBURN DISTRICT COURT OR LOWELL JUVENILE COURT DEPENDING ON THEIR AGE. ALL PARTIES AGREED THAT THEY WERE ALL UNDER 21 YEARS OF AGE, HAD CONTRIBUTED TO THE \$90 TO PURCHASE THE ABOVE MENTIONED ALCOHOL THAT WAS LOCATED IN BOTH THE PASSENGER SEAT AND ALSO THE TRUNK OF THE VEHICLE. ALL PARTIES KNOWINGLY POSSESSED AND TRANSPORTED THAT ALCOHOL WITH THE INTENT TO CONSUME IT IN THE WAKEFIELD WOODS.

THE FOLLOWING IS A LIST OF EACH PARTY AND THEIR CHARGES.

[REDACTED] - MGL CHAPTER 138 SECTION 34 A (PROCURING ALCOHOLIC BEVERAGES BY FALSE REPRESENTATION) AND MGL CHAPTER 138 SECTION 13C (POSSESSION OR TRANSPORT OF ALCOHOL)
[REDACTED] MGL CHAPTER 138 SECTION 13C (POSSESSION OR TRANSPORT OF ALCOHOL)
[REDACTED] MGL CHAPTER 138 SECTION 13C (POSSESSION OR TRANSPORT OF ALCOHOL)
[REDACTED] MGL CHAPTER 138 SECTION 34A (PROCURING ALCOHOLIC BEVERAGES BY FALSE REPRESENTATION) AND MGL CHAPTER 138 SECTION 13C (POSSESSION OR TRANSPORT OF ALCOHOL)
[REDACTED] - MGL CHAPTER 138 SECTION 13C (POSSESSION OR TRANSPORT OF ALCOHOL)

AFTER ALL OF THE YOUTHS WERE PICKED UP BY THEIR GUARDIANS SGT AMENDOLA, OFFICER HURLEY AND I ENTERED RICKY'S LIQUOR TO CONSULT WITH THE STORE CLERK. I ASKED THE CLERK WHY HE THOUGHT WE WERE THERE TO WHICH HE REPLIED "THERE WERE KIDS IN A CAR WHO BOUGHT BEER." I ASKED HIM IF HE RECALLED TWO YOUTHS PURCHASING ALCOHOL. HE STATED THAT HE DID. I ASKED HIM HOW OLD THE YOUTHS WERE, TO WHICH HE STATED, "21." I ASKED HIM HOW HE KNEW THAT THEY WERE 21 AND HE STATED THAT HE HAD LOOKED AT THEIR DRIVER'S LICENSES. I ASKED HIM IF HE COULD REMEMBER ANYTHING ABOUT THE LICENSES AND HE STATED THAT THEY WERE MASSACHUSETTS LICENSES. AT THAT TIME I NOTICED THAT THE STORE HAD A VIDEO SURVEILLANCE SYSTEM AND ASKED HIM IF THE VIDEO FOOTAGE WOULD SHOW HIM CHECKING THE LICENSE'S OF THE YOUTHS. HE THEN STATED THAT HE DID NOT ASK THEM FOR IDENTIFICATION.

I ASKED THE STORE CLERK FOR HIS INFORMATION AND HE IDENTIFIED HIMSELF AS BRUCE ARMSTRONG. ARMSTRONG STATED THAT THE YOUTHS HAD ENTERED THE STORE ONCE WHICH DID

NOT COINCIDE WITH THE INFORMATION GIVEN BY THE YOUTHS WHO STATED THAT [REDACTED] AND [REDACTED] HAD GONE IN ONCE TO OBTAIN THE ALCOHOL THAT WAS LOCATED IN THE TRUNK AND THEN [REDACTED] WENT IN A SECOND TIME TO OBTAIN THE JAGERMEISTER.

THE MANAGER OF RICKY'S LIQUOR, KALPESH PATEL, ARRIVED ON SCENE AND WAS INFORMED OF THE SITUATION. PATEL WAS VERY CORPORATIVE AND AGREED TO ALLOW US TO VIEW THE SURVEILLANCE FOOTAGE TO CORROBORATE THE VARIOUS STATEMENTS. PATEL STATED THAT THE SURVEILLANCE FOOTAGE WAS NOT 100% ACCURATE IN TERMS OF ACTUAL TIME AND THAT IT WAS APPROXIMATELY 60 MINUTES BEHIND EASTERN STANDARD TIME. SGT AMENDOLA AND I OBSERVED ON THE TAPE THAT [REDACTED] AND [REDACTED] ENTERED RICKY'S LIQUOR AT APPROXIMATELY 5:44 PM. DURING THE TIME THEY ARE IN THE STORE IT WAS OBSERVED THAT BOTH PARTIES WENT TO A REFRIGERATED COOLER AND TOOK OUT SEVERAL PACKS OF BEER. THE ITEMS WERE THEN PLACED ON THE FLOOR ACROSS FROM THE COUNTER AND STACKED NEXT TO EACH OTHER AND FINALLY TAKEN UP TO THE COUNTER. THERE IS ALSO ADDITIONAL SURVEILLANCE FOOTAGE THAT IS BIRD'S EYE VIEW OF THE COUNTER. FROM THAT VIEW I OBSERVED THAT NEITHER [REDACTED] NOR [REDACTED] SHOWED THE CLERK ANY IDENTIFICATION. DUE TO THE LARGE AMOUNT OF ALCOHOL BEING PURCHASED THE PARTIES THEN GOT A LARGE YELLOW BOX, FILLED IT WITH THE ALCOHOL AND EXITED AT APPROXIMATELY 5:50 PM. WE THEN OBSERVED [REDACTED] TO ENTER ALONE AGAIN AT APPROXIMATELY 5:52 PM AND EXIT A MINUTE LATER WITH A SINGLE BOTTLE OF ALCOHOL. PATEL STATED THAT ARMSTRONG WAS FIRED AND WAS NO LONGER GOING TO BE WORKING AS HIS EMPLOYEE.

PATEL MADE A COPY OF THE TAPE ONTO A FLASH DRIVE, HOWEVER; WE WERE UNABLE TO GET IT TO WORK ON THE POLICE STATION COMPUTER SYSTEM. THE FLASH DRIVE WAS TAGGED AND PLACED INTO EVIDENCE. ALL OF THE ALCOHOL WAS ALSO PLACED INTO EVIDENCE. SUBSEQUENT TO THE EVENTS AT RICKY'S LIQUOR, THE STORE CLERK, ARMSTRONG, WAS INFORMED THAT HE WOULD BE SUMMONSED TO WOBURN DISTRICT COURT FOR MGL CHAPTER 138 SECTION 34 (SELLING ALCOHOL TO A PERSON UNDER 21).

Officers signature: _____ Date: _____

=====
chief [] capt/oic [] cid [] traffic [] fire [] other []
=====

I recommend this case be declared:

Unfounded() Not Cleared() Court Action() Cleared by Arrest()
Case Declared:
Active() Complete() Unfounded() Domestic Violence()

OIC Signature

Date/Time

John C. SEGALLA
115 HANSON AVENUE
READING, MA. 01867
781-942-1800

INVOICE FOR CONSTABLE SERVICE

08/07/2014

SERVICED OF MOTIONS DECLARED TO KAPESH PATIL,
OWNER OF FAY and RISKY, INC. at 215 MAIN
STREET READING, MA. 01867 @ 11:25 PM

Fee: \$30.00

John C. Segalla
Reading TOWN CONSTABLE