



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

June 22, 2022

**THE MAIN ST STILL INC.
63 SPRINGFIELD STREET
AGAWAM, MA 01001
LICENSE#: 00022-RS-0012
VIOLATION DATE: 12/17/2021
HEARD: 4/05/2022**

After a hearing on April 5, 2022, the Commission finds violated M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). 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 2 years provided no further violations of Chapter 138 or Commission Regulations occur.**

The suspension shall commence on Monday, August 8, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, August 8, 2022, at 9:00 A.M. It will be returned to the licensee on August 9, 2022.

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

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Alicia Cutter, Investigator
Sean Fleming, Investigator
Administration, File



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Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
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DECISION

**THE MAIN ST. STILL, INC.
63 SPRINGFIELD STREET
AGAWAM, MA 01001
LICENSE#: 00022-RS-0012
VIOLATION DATE: 12/17/2021
HEARD: 4/05/2022**

The Main St. Still Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, April 5, 2022, regarding an alleged violation of M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Cutter's report.

The following documents are in evidence:

1. Investigator Cutter's Report;
2. ABCC Form 43, License Transfer Approval, 6/8/2009;
3. ABCC Decision 5/11/2015;
4. City of Agawam Decision, 9/22/2011;
5. Licensee's Stipulation of Facts.

A. Main Street Still Inc. Incident Report, 12/17/2021.

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

FINDINGS OF FACT

1. On Friday, December 17, 2021, at approximately 8:30 p.m., Investigators Fleming and Cutter ("Investigators") inspected The Main St. Still, Inc. to determine the manner in which its business was being conducted.
2. Investigators observed an unknown male individual ("UM") who appeared to be intoxicated. The UM was standing directly in front of the bar and in clear view of several bartenders.

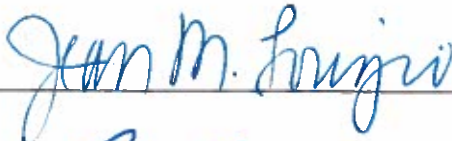
3. Investigators observed that the UM's eyes were bloodshot, glassy and watery, and had a dazed look. Investigators observed the UM was swaying heavily as he talked to friends, and he seemed to lean heavily on the bar in an attempt to remain balanced.
4. Based on their training and experience, Investigators determined the UM was intoxicated.
5. After making said determination, at approximately 10:50 p.m., Investigators observed a bartender deliver a pineapple and Tito's vodka mixed drink to the UM.
6. Investigators contacted Investigators Velez and Gould, who were waiting outside of the licensed premises, and informed them of the violation.
7. Investigators Velez and Gould entered the licensed premises and identified themselves to the manager, informed him of the violation and that a report would be filed with the Chief Investigator for further review.
8. Dean LaBelle, the manager on the night of the inspection, appeared at the Commission hearing.
9. Prior to serving the UM, the bartender learned a family member had taken ill and she admittedly was distracted.
10. The Licensee has held a license under M.G.L. c. 138, § 12 since 2009.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (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 2 years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: June 22, 2022

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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2022-000019-ad-enf

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