



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

May 9, 2023

**J T INC D/B/A CENTER CAFÉ
432 BOSTON ROAD
BILLERICA, MA 01821
LICENSE#: 00009-RS-0106
VIOLATION DATE: 12/17/2022
HEARD: 4/25/2023**

After a hearing on April 25, 2023, the Commission finds J T Inc. d/b/a Center Café 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 one (1) day to be served.**

The suspension shall be served on Monday, June 26, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, June 26, 2023, at 9:00 A.M. It will be returned to the licensee on Tuesday, June 27, 2023.

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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Dokiman sa a enpòtan epi li ta dwe tradwi touswit
‘Đây là tài liệu quan trọng và cần được dịch ngay’
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

- cc: Local Licensing Board
- Frederick G. Mahony, Chief Investigator
- Kyle E. Gill, Esq., Associate General Counsel
- Dennis Keefe, Investigator
- Katelyn Quinn, Investigator
- Administration, File



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DECISION

**J T INC D/B/A CENTER CAFÉ
432 BOSTON ROAD
BILLERICA, MA 01821
LICENSE#: 00009-RS-0106
VIOLATION DATE: 12/17/2022
HEARD: 4/25/2023**

J T Inc. d/b/a Center Café (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 25, 2023, 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 Keefe’s report.

The following documents are in evidence:

1. Investigator Keefe’s Report;
 2. ABCC Form 43, Transfer of License Approval, 4/25/1997;
 3. ABCC Decision, 3/29/2007;
 4. Licensee’s Stipulation of Facts.
- A. Letter to the Commission from Anthony Borrelli, 4/18/2023.

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

FINDINGS OF FACT

1. On Saturday, December 17, 2022, at approximately 9:35 p.m., Investigators Keefe and Quinn (“Investigators”) inspected J T Inc. d/b/a Center Café to determine the way its business was being conducted.
2. Investigators entered the licensed premises and sat with a clear view of the bar and the pool table area. Investigators’ attention was drawn to a male individual, later identified as DeDe, standing near the pool tables. The pool tables are located approximately 15 feet from the bar area, within the line of sight of the bartender and security staff.

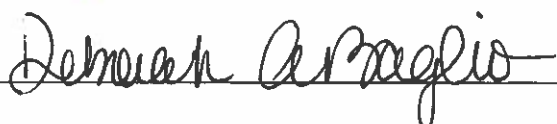
3. Investigators observed DeDe staggered and swayed side to side as he attempted to play pool, and his eyes appeared to be half-closed. At approximately 10:21 p.m., Investigators observed DeDe lose his balance and fall to the floor. Based on their training and experience, Investigators determined that DeDe was intoxicated.
4. Investigators observed DeDe had slurred speech as he yelled at a male individual with whom he was playing pool. The male individual then pushed DeDe toward the wall and told him to stay out of his way. Another male individual attempted to hand a pool stick to DeDe but DeDe missed grabbing it and the stick fell to the floor. Investigators observed DeDe lean against the wall and close his eyes for long periods of time.
5. Investigators heard DeDe yelling, "I'll fight someone, I don't care!" and swearing loudly multiple times.
6. Investigators observed the bartender walk directly over to DeDe and have a conversation with him. Investigators observed the bartender was within a few inches of DeDe's face.
7. At approximately 10:37 p.m., Investigators observed DeDe swaying from side to side as he walked from the pool table area to the bar area.
8. Investigators observed DeDe order a Jack and Coke from the bartender. DeDe's speech was slurred, and the bartender had to repeat the cost of the drink several times. Investigators observed the bartender serve the alcoholic beverage to DeDe.
9. Investigators spoke to the bartender who stated that DeDe was a regular customer and he knew he would be getting a ride home with a friend.
10. Investigators advised the bartender of the violation and that a report would be filed with the Chief Investigator for further review.
11. Anthony Borrelli, Licensee, appeared at the Commission hearing and testified DeDe is known to the Licensee and stated that his employees had been instructed not to serve him. Mr. Borrelli stated the bartender failed to follow his established policy. He testified he has increased security in the licensed premises and updated his software system.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 1997.

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 1 day.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner  _____

Deborah Baglio, Commissioner  _____

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Jean M. Lorizio, Chairman



Dated: May 9, 2023

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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2023-000021-ad-enf

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