



**Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Telephone: (617) 727-3040
Fax: (617) 727-1510**

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

April 16, 2019

**JAJB, INC. DBA TAVERN IN THE SQUARE
161 BRIGHTON AVE.
BOSTON, MA 02134
LICENSE#: 011600139
VIOLATION DATE: 12/14/2018
HEARD: 4/16/2019**

After a hearing on April 16, 2019, the Commission finds JAJB, Inc. dba Tavern in the Square violated M.G.L. Ch. 138 § 69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (2 counts).

The Commission **suspends the license for a period of four (4) days of which two (2) days 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 5, 2019 and terminate on Thursday, June 6, 2019. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 5, 2019 at 9:00 A.M. It will be returned to the Licensee on June 7, 2019.

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
Lisa Watson, Investigator
M. Teehan & C. Temple, Investigators
Administration, File



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DECISION

**JAJB, INC. DBA TAVERN IN THE SQUARE
161 BRIGHTON AVE.
BOSTON, MA 02134
LICENSE#: 011600139
VIOLATION DATE: 12/14/2018
HEARD: 4/16/2019**

JAJB, Inc. dba Tavern in the Square (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 16, 2019, regarding an alleged violation of M.G.L. Ch. 138 § 69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the violations alleged in Investigator Watson's Report.

The following documents are in evidence:

1. Investigator Watson's Report;
2. Licensee's Stipulation of Facts; and
3. Licensee's Commission File.

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

FINDINGS OF FACT

1. On Thursday, December 13, 2018, at approximately 11:03 p.m., Investigators Teehan, Temple, and Watson ("Investigators") conducted an investigation of the business operation of JAJB, Inc. dba Tavern in the Square to determine the manner in which its business was being conducted.
2. Investigators observed a male individual stumble as he moved aside to let people walk by him in a narrow hallway. They observed a male slump into a seat at a table next to the bar.
3. Investigators observed the male had slow movements and appeared drowsy. He closed his eyes for long periods of time. As he texted on his mobile phone, he had difficulty pressing his thumbs on the keyboard, he was squinting and blinking to see the phone screen.

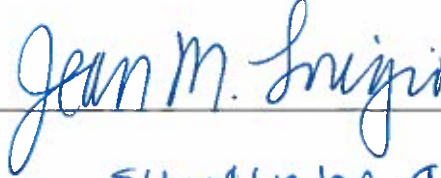
4. Based on their training and experience, Investigators formulated the opinion that this person was intoxicated.
5. Investigators observed the male individual received two drinks, a vodka soda with lime and a Bud Light bottle of beer, from a friend at the table. Investigators observed the male consume the Bud Light beer.
6. Investigators continued to observe this male individual as he stumbled several times while walking around the bar area. When attempting to dance with another patron, he appeared to be falling down.
7. After about 15 minutes, Investigators observed the individual go to the bar to get a drink. The bartender had difficulty understanding him, and the individual had to repeat his order.
8. At 12:33 a.m., he ordered two Budweiser beers. He paid for the beers using a debit card but he had trouble taking the receipt off the bar to sign for it. Investigators observed that he had difficulty focusing on the receipt when he signed it. Approximately a minute and a half elapsed from the time he received the receipt, signed it, and put it back on the counter.
9. Investigators then observed another male individual standing at the bar. Investigators observed him take a step back from the bar and have trouble keeping his balance. Investigators observed this male individual for approximately 10 minutes and noted he had glassy and red eyes. They further observed that he swayed while standing, and his arm repeatedly slipped off the bar as he held onto it.
10. Based on their training and experience, Investigators formulated that opinion that this second person was intoxicated.
11. Investigators observed this second male individual order a vodka soda with lime. When the bartender ran his credit card, there appeared to be an issue. She handed the card back to him while shaking her head. The male individual then called over another patron and ordered a drink for her as well as himself. The female patron took the drink and walked away. The bartender then gave the male individual another tab, and he gave the bartender a different card, but that debit card was not approved either. The bartender then asked the male individual multiple times for another form of payment.
12. Investigators informed the manager on duty of the violations and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (2 counts). Therefore, the Commission **suspends the license for a period of four (4) days of which two (2) days 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 A. Lashway, Commissioner



Dated: April 16, 2019

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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