



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

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**443 BROADWAY LLC  
439-441 WEST BROADWAY  
BOSTON, MA 02127  
LICENSE#: 01913-RS-0116  
VIOLATION DATE: 12/16/2022  
HEARD: 6/13/2023**

443 Broadway LLC (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, June 13, 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 Velez's report.

The following documents are in evidence:

1. Investigator Velez's Report;
2. ABCC Form 43, Transfer of License Approval, 3/25/2015;
3. Licensee's Stipulation of Facts.

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

**FINDINGS OF FACT**

1. On Friday, December 16, 2022, Investigators Cutter and Fleming entered the license premises of 443 Broadway, LLC ("Licensee") in an undercover capacity to ascertain the manner in which its business was being conducted.
2. At approximately 8:45 p.m., Investigators Cutter and Fleming's attention was drawn to an unidentified male individual ("UM") standing directly in front of the bar and in the line of sight of the bartender. The UM appeared to be intoxicated.
3. Investigators Cutter and Fleming observed that the UM had bloodshot, watery, and glassy eyes, with a dazed look. Investigators Cutter and Fleming observed the UM leaned heavily on the bar and appeared to be falling asleep.
4. Investigator Fleming heard the UM speaking with thick slurred speech. Investigator Fleming attempted to speak with the UM, in direct view of the bartenders, but the UM was not speaking in a clear manner and his speech seemed unintelligible.

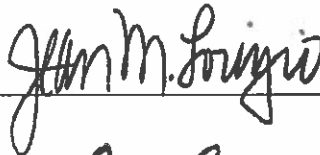
5. Investigators Cutter and Fleming observed that the UM was physically supported by friends several times when he attempted to walk. Investigators Cutter and Fleming determined the UM was intoxicated.
6. At approximately 9:06 p.m., Investigators observed the bartender on duty deliver a Bud Light beer to the UM.
7. Investigators Gardner and Velez identified themselves to staff and entered the licensed premises where they spoke to the manager on duty, identified the UM to them, advised the managers of the violation and that a report would be filed with the Chief Investigator for further review.
8. Investigator Velez testified at the Commission hearing as to what was conveyed to him by Investigators Cutter and Fleming, as well as to his interactions with the Licensee's manager on duty.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2015.

#### CONCLUSION

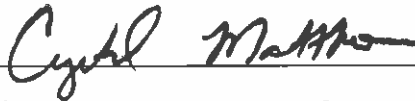
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). As a result, the Commission issues a **WARNING**.

#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: January 11, 2024

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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2023-000060-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Nicholas Velez, Investigator  
Alicia Cutter, Investigator  
Sean Fleming, Investigator  
Robert Gardner, Investigator  
Dennis Quilty, Esq.  
Administration, File