

Jean M. Lorizio, Esq.
Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

AMENDED
NOTICE OF SUSPENSION

September 21, 2017

**MILLERCO CORP. D/B/A COURTYARD RESTAURANT
1337 COUNTY RD.
BOURNE, MA 02534
LICENSE#: 0118-000057
VIOLATION DATE: 05/11/2017
HEARD: 09/05/2017**

After a hearing on September 5, 2017, the Commission finds Millerco Corp. d/b/a Courtyard Restaurant 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 four (4) days of which one (1) day will be served, and three (3) 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, October 25, 2017 and terminate on Wednesday, October 25, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 25, 2017 at 9:00 A.M. It will be returned to the licensee on Thursday, October 26, 2017.

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.

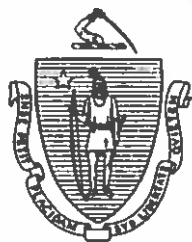
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in cursive script, reading "Jean M. Lorizio".

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jamie Binienda Investigator
Joseph Di Cicco, Investigator
Administration, File



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NOTICE OF SUSPENSION

September 6, 2017

**MILLERCO CORP. D/B/A COURTYARD RESTAURANT
1337 COUNTY RD.
BOURNE, MA 02534
LICENSE#: 0118-000057
VIOLATION DATE: 05/11/2017
HEARD: 09/05/2017**

After a hearing on September 5, 2017, the Commission finds Millerco Corp. d/b/a Courtyard Restaurant 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 four (4) days of which one (1) day will be served, and three (3) 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, October 25, 2017 and terminate on Thursday, October 26, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 25, 2017 at 9:00 A.M. It will be returned to the licensee on Friday, October 27, 2017.

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.

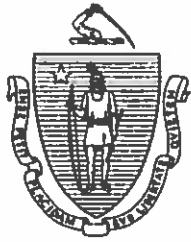
ALCOHOLIC BEVERAGES CONTROL COMMISSION

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DECISION

**MILLERCO CORP. D/B/A COURTYARD RESTAURANT
1337 COUNTY RD.
BOURNE, MA 02534
LICENSE#: 0118-000057
VIOLATION DATE: 05/11/2017
HEARD: 09/05/2017**

Millerco Corp. d/b/a Courtyard Restaurant (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, September 5, 2017, 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 start of the hearing, the Licensee stipulated to the violation in Investigator Binienda's report.

The following documents are in evidence:

1. Investigator Binienda's Investigative Report; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Thursday, May 11, 2017, Investigators Di Cicco and Binienda ("Investigators") conducted an investigation of the business operation of Millerco Corp. d/b/a Courtyard Restaurant to determine the manner in which its business was being conducted.
2. At approximately 9:40 p.m., Investigators entered the establishment and observed a female patron, Taylor Thackston, on the patio having a cigarette and drinking a Bud Light beer.
3. Investigators observed Thackston walk back into the bar area, and noticed she swayed as she walked and was unsteady on her feet. Investigators saw Thackston walk to the bathroom.
4. At approximately 9:52 p.m., Investigators observed Ms. Thackston exit the bathroom and order another beer by nodding to the bartender on duty, David Iandoli. Investigators observed Iandoli deliver the Bud Light beer to Taylor, who grabbed the bottle and held

onto it in awkward manner, with one hand at the top and the other hand near the bottom of the bottle. Taylor then walked back to the patio.

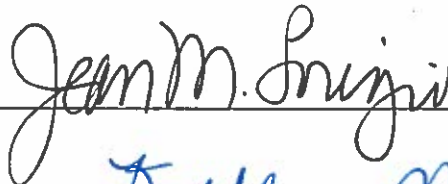
5. At approximately 10:10 p.m., Investigators observed Taylor return to the bar area, speaking loudly with badly slurred speech. Taylor stood in front of the bar holding onto a chair for balance, her eyes appeared slow to focus on objects and she had a blank stare. She was in full view of the bartender. Based on their training and experience, Investigators determined that Taylor was intoxicated.
6. Taylor then approached the bar and with badly slurred speech, ordered another Bud Light beer. Investigators observed Iandoli deliver another bottle of Bud Light beer to Taylor, who took possession of it and drank from it.
7. Investigators identified themselves to the bartender, David Iandoli, identified Taylor, and advised him of the violation.
8. Iandoli stated that Taylor had been at the establishment for about two hours, and stated it was his "fault for not picking up on it earlier." Investigators asked to see Taylor's bar tab which indicated that she had purchased five (5) domestic beers.
9. Investigators informed Mr. Iandoli of the violation and that a report would be filed with the Chief Investigator for further action.
10. In the process of exiting the premises, Investigators saw "Bob" speaking to Taylor. Investigators advised "Bob" that Taylor should not drive tonight. Bob stated he was a family friend and would make sure Taylor got home safely.

CONCLUSION

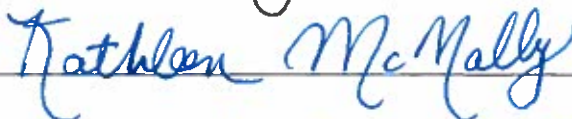
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Therefore, the Commission **suspends the license for a period of four (4) days of which one (1) day will be served, and three (3) days will 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



Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: September 6, 2017

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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