



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

Jean M. Lorizio, Esq.
Chairman

DECISION

KING'S BOWL OF BURLINGTON LLC D/B/A KING'S
52 SECOND AVENUE
BURLINGTON, MA 01876
LICENSE#: 00048-RS-0160
VIOLATION DATE: 12/20/2019
HEARD: 10/5/2021

King's Bowl of Burlington LLC d/b/a King's (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, October 5, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 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 violation in Investigator Teehan's report.

The following documents are in evidence:

1. Investigator Teehan's Report;
2. ABCC Form 43 New License Approval, 5/1/2013;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, December 20, 2019, Investigators Kenny and Teehan ("Investigators") inspected the business operation of King's Bowl of Burlington LLC d/b/a King's to determine the manner in which their business was being conducted.
2. At approximately 10:30 p.m., Investigators entered the licensed premises and observed a group of individuals seated at a table. Two of these individuals appeared to be intoxicated.
3. At approximately 10:35 p.m., Investigators observed an employee of the Licensee serve each of the Unidentified Males ("UM #1" and "UM #2") a bottle of Bud Light beer and a shot. At approximately 10:50 p.m., UM #2 was served another bottle of Bud Light beer.
4. Investigators observed that UM #1's head bobbing up and down and at times his eyes were closed. UM #1's movements were slow, and his speech was slurred.

5. At approximately 11:15 p.m., UM #1 was served another shot and was observed by Investigators consuming the alcoholic beverage.
6. Investigators formed the opinion that UM #1 was intoxicated.
7. Investigators observed UM #2 was loud and boisterous, with slurred speech.
8. Investigators determined that UM #2 was intoxicated.
9. At approximately 11:15 p.m., UM #2 was served another shot and was observed by Investigators to consume the alcoholic beverage.
10. Investigators identified themselves to the manager and advised him of the violation. The manager assured Investigators that he would provide the individuals with safe transport home.
11. Investigators informed the manager that a report would be filed with the Chief Investigator for further action.
12. Leo Fonseca, Chief Operating Officer with King's, and Keith Reid, Director of Operations at the licensed premises, appeared at the Commission hearing. Messrs. Fonseca and Reid explained the extensive steps taken by the Licensee to prevent such an occurrence in the future.
13. The Licensee has held a license under M.G.L. c. 138, § 12 since 2013 with no previous violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 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 three (3) days which is hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah Baglio, Commissioner



Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Dated: October 6, 2021

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Michael Teehan, Investigator
Mark Kenny, Investigator
Dennis Quilty, Esq.
Administration, File