

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

Jean M. Lorizio, Esq.
Chairman

DECISION

**REBEL RESTAURANTS INC. D/B/A TONY C'S
17 THIRD AVENUE
BURLINGTON, MA 01803
LICENSE#: 00053-RS-0160
VIOLATION DATE: 8/10/2019
HEARD: 1/18/2022**

Rebel Restaurants Inc. d/b/a Tony C'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, January 18, 2022, 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 Gould's report.

The following documents are in evidence:

1. Investigator Gould's Report;
 2. ABCC Form 43, New License Approval, 3/11/2014;
 3. Photograph of Receipt;
 4. Licensee's Stipulation of Facts.
- A. Masstips.com Printout;
B. TIPS Certification of Employee.

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

FINDINGS OF FACT

1. On Friday, August 9, 2019, at approximately 11:40 p.m., Investigators Di Cicco and Gould ("Investigators") inspected the business operation of Rebel Restaurants Inc. d/b/a Tony C's to determine the manner in which its business was being conducted.
2. Investigator Di Cicco entered the licensed premises and observed an unidentified female ("UF") in a white blouse and jeans seated at the right side of the bar with another female and a male. UF appeared to be intoxicated. Investigator Gould then joined Di Cicco inside the premises to continue to observe the UF.

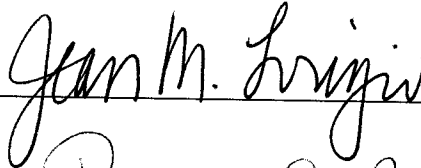
3. Investigators observed the UF was unsteady on her feet, swaying from side to side while standing and seated. The UF's speech was slurred, and her eyes were glassy. The UF was talking very loudly, yelling, and slapping playfully at the male seated to her left. The UF raised her voice enough that she drew the attention of the patrons at the table behind her.
4. Based on their training and experience, Investigators formulated the opinion that the UF was intoxicated.
5. At approximately 12:05 a.m., Investigators observed the UF speaking to the bartender. After a brief interaction, the bartender brought another round of drinks to the UF and the male and female with her.
6. Investigators then observed the UF walk toward the restroom. She was unsteady on her feet and bumped into two different chairs on her way to the restroom.
7. Investigators observed the UF returning from the restroom, still unsteady on her feet. As she made her way across the room, she encountered a male individual, with whom she seemed to be familiar, and licked his cheek before continuing to her seat. The UF's eyes were glassy, and she continued swaying, speaking with slurred speech, and talking loudly.
8. Investigators made contact with the manager on duty, Peter Panagiotakopoulos, and identified the UF to him. Mr. Panagiotakopoulos informed Investigators that the UF was drinking a vodka and soda. He stated she was a regular patron as she formerly worked at another business in the same plaza. Mr. Panagiotakopoulos informed Investigators that he would ensure safe transport home for the UF.
9. Investigators informed Mr. Panagiotakopoulos of the violation and that a report would be filed with the Chief Investigator for further review.
10. Sean McDonald is the Director of Operations for multiple concepts and locations owned by the Licensee. He appeared at the Commission hearing and testified the licensed premises has been in operation for approximately 7 years in this location and is a food-friendly sports themed restaurant. He spoke to the positive relationship the Licensee has with the Town of Burlington. Mr. McDonald testified all managers are TIPS certified and trained in alcohol service.
11. Dennis DeMarzo, Manager of Record, also appeared at the Commission hearing. He testified regarding training for incoming employees and the requirement they obtain TIPS Certification within 30 days. In addition, the Town of Burlington requires a further certification. Mr. DeMarzo stated he works with the Burlington Police Department to arrange for any employee who will serve alcohol to go through Burlington's certification program. Mr. DeMarzo conducted an internal investigation into the events on the night of the Investigators' visit. He testified that he spoke with all employees working that night.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2014 with no previous violations.

CONCLUSION

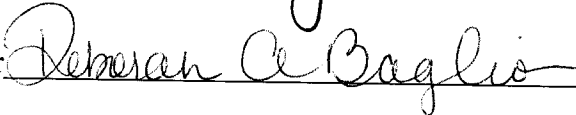
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Therefore, the Commission **suspends the license for a period of two (2) days, which are hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

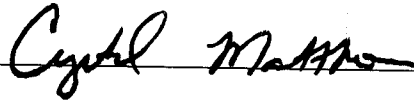
Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Crystal Matthews, Commissioner



Dated: May 25, 2022

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
Brian Gould, Investigator
Joseph Di Cicco, Investigator
Kevin Cloutier, Esq.
Administration, File