



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**CENTER BRICKHOUSE PIZZA, INC. DBA BRICKHOUSE CENTER PUB & PIZZERIA**  
**1 CENTRAL SQ, UNIT 2**  
**CHELMSFORD, MA 01824**  
**LICENSE#: 020000070**  
**VIOLATION DATE: 10/19/2012**  
**HEARD: 1/08/2013**

Center Brickhouse Pizza, Inc. dba Brickhouse Center Pub & Pizzeria (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, January 8, 2013, regarding an alleged violation of 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 violation alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Teehan's Investigative Report dated October 19, 2012.
  - A. Letter dated January 7, 2012, from Daniel Murphy; and
  - B. Letter dated January 7, 2012, from George Dixon.

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

**FACTS**

1. On Friday, October 19, 2012, Investigators Keefe and Teehan investigated the business operation of Center Brickhouse Pizza, Inc. dba Brickhouse Center Pub & Pizzeria to determine the manner in which their business was being conducted.
2. Investigator Keefe entered the premises at approximately 10:30 p.m., and a few minutes later Investigator Teehan entered the premises.
3. Investigators observed an individual who appeared to be intoxicated. The individual was later identified as Joseph Palumbo, date of birth July 3, 1990, age twenty-two (22).
4. Investigators observed Mr. Palumbo was in possession of a bottle of beer.
5. Investigators observed Mr. Palumbo was staggering and unsteady on his feet. They observed that his movements appeared slow, and his speech was badly slurred.
6. Investigators observed his head nodded up and down while he stood with eyes closed at the bar area.
7. Based on their observations and their training and experience, investigators determined that Mr. Palumbo was intoxicated.

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8. At approximately 11:20 p.m., Investigators observed the female bartender on duty, later identified as Danielle, serve Mr. Palumbo a Captain [Morgan's Spiced Rum] and Coke. Investigators observed Mr. Palumbo drinking the alcoholic beverage.
9. Investigators identified themselves to a staff employee, Mike Sweeney.
10. Mr. Sweeney observed Mr. Palumbo's state of intoxication.
11. Mr. Sweeney arranged safe transport home for Mr. Palumbo.
12. Investigators informed Mr. Sweeney of the violation 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 of c. 138 §69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore, the Commission **suspends the license for four (4) days of which four (4) 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

Susan Corcoran, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen P. McNally, Commissioner 

DATE: January 9, 2013

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.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
Sherrill R. Gould, Esq. via Facsimile 978-486-9434  
Administration  
File