



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: 06/14/2012
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 204 CMR 4.03 (1) (c) Certain Practices Prohibited - No licensee or employee or agent of a licensee shall (c) Sell, offer to sell or delivery to any person or group of persons any drinks at a price less than the prices regularly charged for such drinks during the same calendar week, except at private functions not open to the public. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Capurso's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
 2. Investigator Capurso's Investigative Report dated June 14, 2012; and
 3. Poster, "Budweiser National Happy Hour, Thursday, June 14th Bucket of 5 Bottles \$12".
- A. Letter dated January 7, 2012, from George Dixon; and
B. Email dated January 7, 2012, from Anheuser-Busch.

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

FACTS


1. On Thursday, June 14, 2012, at approximately 8:30 p.m., Investigators Kenny and Capurso 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. The Investigators attention was drawn to several signs, posted throughout the premises, which advertised a bucket of five (5) bottles of Budweiser beer for twelve (12) dollars, as a promotion for "Budweiser Happy Hour."
3. Investigators asked a waitress how much one bottle of Budweiser cost. She replied three (3) dollars.
4. Investigators spoke to the owner, Charlie Micol regarding the promotion, and the cost of a single bottle of Budweiser beer.

5. Mr. Micol stated one bottle of Budweiser cost three (3) dollars. He also showed investigators the price as listed on the POS computer.
6. Investigators informed Mr. Micol that the promotion was in violation of Commission regulations, and that he cannot offer discounted prices on a bottle of beer when selling five (5) bottles.
7. Mr. Micol stated the Budweiser sales representative [from Anheuser Busch] told him the promotion was legal.
8. Mr. Micol stated that he and the servers were aware that they could only sell a bucket of five (5) bottles of beer to a table that has three (3) or more persons.
9. Investigators informed Mr. Micol of the violation and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 4.03 (1) (c) Certain Practices Prohibited - No licensee or employee or agent of a licensee shall (c) Sell, offer to sell or delivery to any person or group of persons any drinks at a price less than the prices regularly charged for such drinks during the same calendar week, except at private functions not open to the public. Therefore, the Commission **suspends the license for two (2) days of which two (2) days will be held in abeyance for a period of one (1) year 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
Paul Capurso, Investigator
Administration
File