



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

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**BREAK-AWAY BILLIARDS INC. D/B/A BREAK AWAY BILLIARDS  
104 STERLING STREET  
CLINTON, MA 01510  
LICENSE#: 0234-00013  
VIOLATION DATE: 3/15/2019  
HEARD: 7/09/2019**

Break-Away Billiards Inc. d/b/a Break Away Billiards (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, July 9, 2019, 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 Kujawski's report.

The following documents are in evidence as exhibits:

1. Investigator Kujawski's Investigative Report;
2. Licensee's Stipulation of Facts; and
3. Licensee's Transfer of License Application Approved 11/30/1999.

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

**FINDINGS OF FACT**

1. On Friday, March 15, 2019, at approximately 12:15 a.m., Investigators Doyle and Kujawski ("Investigators"), in an undercover capacity, conducted an investigation of the business operation of Break-Away Billiards Inc. d/b/a Break Away Billiards.
2. Inside the licensed premises and while seated at the bar, Investigators observed a male individual, Michael Portillo, who was unsteady on his feet as he walked past them. Investigators observed that Portillo swayed as he walked, and his eyes were half-closed. Investigator observed Portillo stand at the bar, leaning on it for support with his elbows on the bar and his face in his hands. His eyes appeared to be completely closed.
3. Investigators observed the bartender on duty, Hope McNamee, make contact with Portillo and then serve him a bottle of Corona Light beer.
4. Investigators then made contact with bartender McNamee, identified themselves, and asked her if she felt that Portillo should have been served another alcoholic beverage. McNamee stated that Portillo was well on his way.

5. Investigators then asked her if Portillo is a regular customer, to which McNamee responded that he was a regular.
6. Investigators made contact with a female patron who informed them that she would ensure safe transport home for Portillo.
7. Investigators then spoke with the manager on duty, George Brydie, and informed him of the violation and that a report would be submitted to the Chief Investigator for further review.
8. The Licensee has been in business for more than 20 years with no prior violation.

### 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 one (1) day which 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

Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Elizabeth Lashway, Commissioner



Dated: July 11, 2019

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  
Jan Kujawski, Investigator  
Brad Doyle, Investigator  
Administration, File**