



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

P&M CORP. D/B/A LA BARRA SPORTS BAR & GRILL
355 FERRY ST
EVERETT, MA 02149
LICENSE#: 038200087
VIOLATION DATE: 04/22/2016
HEARD: 10/25/2016

P&M Corp. d/b/a La Barra Sports Bar & Grill (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, October 25, 2016, regarding an alleged violation of M.G.L. C. 138, §23 Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22A. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report dated May 3, 2016; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Friday, April 22, 2016, at approximately 10:25 p.m., Investigators Di Cicco and Temple ("Investigators") along with Everett Police Department Detectives Lavey and Crowell, investigated the business operation of P&M Corp. d/b/a La Barra Sports Bar & Grill to determine the manner in which the business was being conducted, and to investigate a complaint filed with this Commission.
2. Investigators entered the premises and asked to speak with the owner or manager on duty. They were directed to Tony Portillo, who stated he was the manager.

3. Investigators asked Mr. Portillo to accompany them to the storage area. In the storage area, Investigators observed four (4) cases of Heineken Light beer in 24-pack bottles. The Heineken cases had a shipping label addressed to Fernandez Brother Liquors, located at 409-411 Main Street, Everett, MA. Investigators took the Heineken cases into evidence.
4. Mr. Portillo stated he did not know where the cases of beer had come from and his employee, Johnny Balasio, made beer purchases for him. When Investigators asked to speak with Mr. Balasio, Portillo stated Balasio had been recently fired.
5. Investigators asked Mr. Portillo to see invoices for alcohol purchased since Balasio had departed. Mr. Portillo showed Investigators several copies of invoices from authorized wholesalers.
6. Investigators informed Mr. Portillo of the violation and that a report would be submitted to the Chief Investigator for review.
7. During the hearing Mr. Portillo testified that unknown to him, Balasio was drinking beers from the Licensee's stock and Balasio had been replacing those beers with ones purchased from a package store.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. C. 138, §23 Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22A. Therefore, the Commission **suspends the license for two (2) days of which two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

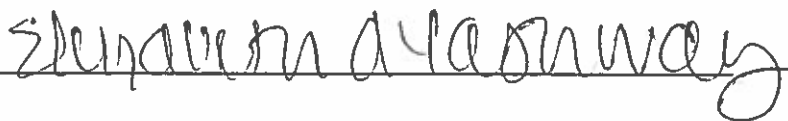
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Elizabeth A. Lashway, Commissioner



Dated: November 3, 2016

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Joseph DiCiccio, Investigator
Administration
File