



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

970 SOUTH INCORPORATED DBA PARTNER'S PUB
970 SOUTH STREET
FITCHBURG, MA 01420
LICENSE#: 039400048
HEARD 3/20/2012

970 South Incorporated dba Partner's Pub (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, March 20, 2012, regarding an alleged violation of M.G.L. c. 138 §69 (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Michael Teehan's Investigative Report.

The following documents and physical items are in evidence:

1. Investigator Teehan's Investigative Report dated September 9, 2011; and
2. Licensee's Stipulation of Facts.
 - A. Compliance Check Commendation Letter dated February 3, 2012 from Fitchburg Police Department, Chief of Police R. A. DeMoura; and
 - B. Compliance Check Commendation Letter dated May 8, 2003 from Fitchburg Police Department, Lt. P. C. Bozicas.

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

FACTS

1. On Friday, September 9, 2011, at approximately 11:30 p. m., Investigators Jamie Binienda and Michael Teehan investigated the business operation of 970 South Incorporated dba Partner's Pub to determine the manner in which their business was conducted.
2. Investigators observed a male individual, later identified as Mr. Jay Pennetti, in possession of a Bud Light draft beer.
3. Investigators observed Mr. Pennetti staggering and unsteady on his feet, with slow and uncoordinated movements.
4. Investigators observed Mr. Pennetti had slurred speech.

5. Investigators observed Mr. Pennetti with his eyes closed, and his head nodding up and down while standing at the bar.
6. Based on their training and experience, investigators determined that Mr. Pennetti was intoxicated.
7. At approximately 11:30 p.m., investigators observed the male bartender on duty serve a Bud Light draft beer to Mr. Pennetti.
8. Investigators observed Mr. Pennetti drinking the beer.
9. A female friend provided Mr. Pennetti with safe transport to his residence.
10. Investigators informed the bartender on duty, Mr. Kevin Michaud, of the violation, and that a report would be submitted to the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §69 (1 count). Therefore, the Commission **suspends the license for four (4) days which 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

Kim S. Gainsboro, Chairman _____

Kathleen McNally, Commissioner _____

Dated: March 20, 2012

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
David P. Mullen, Esq. via facsimile
Administration
File