



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

BELOIN CORPORATION DBA MAJORS
149 LUNENBURG ST.
FITCHBURG, MA 01420
LICENSE#: 039400024
VIOLATION DATE: 12/11/2013
HEARD: 04/22/2014

Beloin Corporation dba Majors (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, April 22, 2014, 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 violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Keefe's Investigative Report dated December 11, 2013.

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

FACTS

1. On Wednesday, December 11, 2013 at approximately 7:45 p.m., Investigators Keefe and Kujawski, conducted an investigation of the business operation of Beloin Corporation dba Majors to determine the manner in which its business was being conducted.
2. While pulling their vehicle up to the premises, Investigators observed a male patron, later identified as Jon J. Contois, exit the establishment. While outside, Mr. Contois staggered from side to side while he smoked a cigarette. Mr. Contois then walked to the side of the building in an unbalanced manner.
3. Investigator Keefe followed Mr. Contois back inside the licensed premises and sat within eight feet of Mr. Contois, with a clear sight of him.
4. Investigator Keefe observed that when trying to take a sip of his beer, Mr. Contois appeared to have difficulty finding his mouth with the edge of the cup. Mr. Contois also had trouble putting on his eye glasses. It took him a few attempts to make sure his eye glasses remained on his face.
5. Investigator Keefe observed the bartender on duty deliver a draft beer to Mr. Contois for which he paid.
6. A female patron sat next to Mr. Contois. Investigator Keefe heard Mr. Contois having a conversation with the female patron, later identified as Kara Franciosi.

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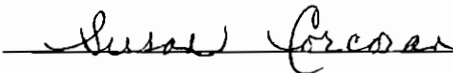
7. Investigator Keefe observed that Mr. Contois had thick and slurred speech. At one point when Mr. Contois got up to walk to the restroom, Investigator Keefe observed that he was unsteady on his feet while getting up from his chair, and that he swayed from side to side as he walked.
8. Investigator Keefe observed that when Mr. Contois returned to his seat, he put his arm around Ms. Franciosi and leaned most of his body weight on her in order to keep his balance. At one point, Mr. Contois stood up and had difficulty pushing his chair in, and then walked away from his seat.
9. Investigator Keefe heard Ms. Franciosi tell the bartender that Mr. Contois was drunk and he should not have another drink.
10. Investigator Keefe informed the circumstances to Investigator Kujawski, who entered the premises.
11. Investigators identified themselves to the bartender on duty, Victor J. Masaitis, informed him of the intoxicated state of Mr. Contois.
12. Mr. Masaitis stated that Mr. Contois was intoxicated, and that he was not driving, but walking home. Mr. Masaitis assisted investigators to arrange safe transportation home for Mr. Contois.
13. Two patrons spoke with the investigators, stating that they agreed that Mr. Contois was indeed intoxicated.
14. Investigators informed Mr. Masaitis of the violation and that a report will be filed with the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated of 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 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 McNally, Commissioner



Dated: May 16, 2014

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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File