



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**GIO'S PIZZERIA INC. D/B/A GIO'S PIZZERIA
9 ALLEN STREET
HAMPDEN, MA 01036
LICENSE#: 0488-00015
VIOLATION DATE: 7/20/2019
HEARD: 10/08/2019**

Gio's Pizzeria Inc. d/b/a Gio's Pizzeria (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, October 8, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. 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:

1. Investigator Kujawski's Compliance Check Field Report;
2. Licensee Stipulation of Fact;
3. Receipt for Alcohol Purchase;
4. Copy of New License Application Approval 8/3/2015.

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

FACTS

1. On Saturday, July 20, 2019, at approximately 12:21 p.m., Investigators Quinn and Kujawski ("Investigators") investigated the business of Gio's Pizzeria Inc. d/b/a Gio's Pizzeria.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a draft of Bud Light beer for four dollars (\$4.00). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 12 since 2015 with no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner Kathleen McNally

Jean M. Lorizio, Chairman Jean M. Lorizio

Crystal Matthews, Commissioner Crystal Matthews

Dated: October 15, 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
Katelyn Quinn, Investigator
Jan Kujawski, Investigator
Administration, File