



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
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**Jean M. Lorizio, Esq.**  
Chairman

**DECISION**

**CARL'S PIZZA, INC. D/B/A TNT PIZZA  
548 SOUTH STREET  
HOLYOKE, MA 01040  
LICENSE#: 0540-00123  
VIOLATION DATE: 12/06/2018  
HEARD: 3/05/2019**

Carl's Pizza, Inc. d/b/a TNT Pizza (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, March 5, 2019, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under § 22A (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report; 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.

**FINDINGS OF FACT**

1. On Thursday, December 6, 2018, at approximately 5:47 p.m., Investigators Kujawski, Temple, Watson, and Velez ("Investigators") conducted an investigation of the business operation of Carl's Pizza, Inc. d/b/a TNT Pizza to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and identified themselves to David Monko, the owner.
3. Investigators conducted an inspection of the bar areas and observed multiple bottles of alcohol with price stickers on their exteriors. Based on their training and experience, Investigators recognized that the price stickers were an indication that the bottles of alcohol had been purchased from a § 15 retail package store.

4. Investigators took the bottles of alcohol from the bar into custody as evidence. They were a 1-liter bottle of Dekuyper Buttershots Schnapps and one 1.75-liter bottle of Whipped vodka.
5. Investigators asked Mr. Monko where he had purchased the bottles of alcohol, but he did not remember. Monko did confirm to Investigators that he had purchased the bottles from a package store.
6. Investigators informed Mr. Monko of the violation and that a report would be filed with the Chief Investigator for review.

### 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. c. 138, § 23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under § 22A (1 Count). As the Licensee has been in business for more than 10 years with no previous violation, the Commission issues a **WARNING**.

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: March 6, 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  
Nicholas Velez, Investigator  
Jan Kujawski, Investigator  
Christopher Temple, Investigator  
Lisa Watson, Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Administration, File