

*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150-2358*

**Jean M. Lorizio, Esq.**  
Chairman

**NOTICE OF SUSPENSION**

June 12, 2019

**CALIFORNIA PIZZA KITCHEN INC.  
1150 MARKET ST.  
LYNNFIELD, MA 01940  
LICENSE#: 0640-00036  
VIOLATION DATE: 3/18/2019  
HEARING DATE: 6/11/2019**

After a hearing on June 11, 2019, the Commission finds California Pizza Kitchen Inc. d/b/a California Pizza Kitchen violated 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.

The Commission suspends the license for a period of two (2) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

By decision dated October 12, 2017, the Commission found a violation of 204 CMR 2.05 (2), to wit: M.G.L. c. 138, § 34 and had ordered three (3) days be held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that suspension being held in abeyance. The Commission hereby orders one (1) day to be carried forward and served, and the remaining two (2) days held in abeyance for the period set forth in that decision. The Licensee will serve a total of one (1) day.

The suspension shall commence on Monday, July 29, 2019 and terminate on Monday, July 29, 2019. The license will be delivered to the Local Licensing Board or its designee on Monday, July 29, 2019 at 9:00 A.M. It will be returned to the licensee on Tuesday, July 30, 2019.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

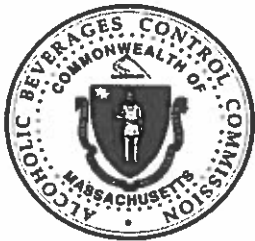
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**



Jean M. Lorizio  
Chairman

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Joseph Di Cicco, Investigator  
Christopher Temple, Investigator  
Michael Chase Hagan  
Administration, File



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
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**Jean M. Lorizio, Esq.**  
Chairman

**DECISION**

**CALIFORNIA PIZZA KITCHEN INC.  
1150 MARKET ST.  
LYNNFIELD, MA 01940  
LICENSE#: 0640-00036  
VIOLATION DATE: 3/18/2019  
HEARING DATE: 6/11/2019**

California Pizza Kitchen Inc. d/b/a California Pizza Kitchen (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, June 11, 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, § 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 violation alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Compliance Check Field Report;
2. Licensee's Stipulation of Facts;
3. Receipt for Alcohol Purchase;
4. Licensee's Application; and
5. Licensee's ABCC Decision of 10/12/2017.

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

**FACTS**

1. On Monday, March 18, 2019, at approximately 6:58 p.m., Investigators Temple and Di Cicco ("Investigators") investigated the business of California Pizza Kitchen Inc. d/b/a California Pizza Kitchen.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a draft of Bud Light beer, for six dollars and seventy-three cents (\$6.73). The underage operative was not asked for identification.

### CONCLUSION

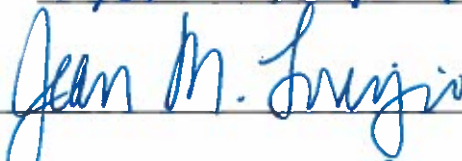
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for two (2) days which 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



Jean M. Lorizio, Chairman



Elizabeth Lashway, Commissioner



Dated: June 12, 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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