

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

March 25, 2015

C S BUSINESS ENTERPRISES, LLC DBA ANGELA'S COAL FIRED PIZZA
361 MIDDLESEX RD.
TYNGSBOROUGH, MA 01879
LICENSE#: 129800009
VIOLATION DATE: 03/22/2009
HEARD: 04/08/2014

After a hearing on April 8, 2014, the Commission finds C S Business Enterprises, LLC dba Angela's Coal Fired Pizza in violation of:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138 §23- Transfer of the privilege of a license without proper approval;
- 2) 204 CMR 2.05 (2), to wit: M.G.L. c. 265 §13A Assault and Battery;

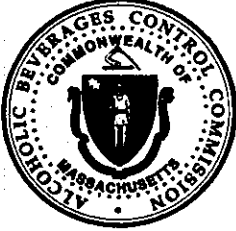
The Commission **INDEFINITELY SUSPENDS** the license's license **EFFECTIVE FORTHWITH**.

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

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino, Investigator
Stephen Miller Esq. via fax 617-946-4624
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

C S BUSINESS ENTERPRISES, LLC DBA ANGELA'S COAL FIRED PIZZA
361 MIDDLESEX RD.
TYNGSBOROUGH, MA 01879
LICENSE#: 129800009
VIOLATION DATE: 03/22/2009
HEARD: 04/08/2014

C S Business Enterprises, LLC dba Angela's Coal Fired Pizza (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, April 8, 2014, regarding an alleged violation of:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138 §23- Transfer of the privilege of a license without proper approval;
- 2) 204 CMR 2.05 (2), to wit: M.G.L. c. 265 §13A Assault and Battery;
- 3) 204 CMR 2.05 (2), to wit: M.G.L. c. 26 §15A Assault and Battery Dangerous Weapon (Baseball Bat); and
- 4) 204 CMR 2.05 (2), to wit: M.G.L. c. 266 §28 (B) Using a Motor Vehicle without Authority.

The first of the above captioned occurred November 2008 through May 2009, and the remaining of the above-captioned occurred on March 22, 2009 according to Investigator Guarino's Report.

The following documents are in evidence as exhibits:

1. Investigator Guarino's Violation Report dated October 10, 2012;
 2. TD Bank Account Maintenance Form;
 3. Copies of Cancelled Checks for Licensee;
 4. Tyngsborough Police Department Incident Report by Officer Casella;
 5. Tyngsborough Police Department Incident Report by Sergeant Wagner;
 6. Tyngsborough Police Department Incident Report by Detective Howe;
 7. Middlesex Superior Court Case Docket Summary;
 8. Minutes of the Tyngsborough Selectmen Meeting;
 9. Licensee's Employee Handbook;
 10. Affidavit of Christina Sideri dated October 6, 2008;
 11. Secretary of the Commonwealth Records for M3G Realty LLC; and
 12. Ms. Sideri's Letter dated July 16, 2009.
- A. Alan Robillard's Forensic Science Report Regarding Examination of the Signatures of Eric Sideri;
- B. Affidavit of Ms. Kera Mansour;

- C. Appellate Brief for Defendant/Appellant Eric Sideri;
- D. Massachusetts Appeals Court Memorandum and Order in the matter of Commonwealth v. Eric Sideri, January 29, 2014.

There is one (1) audio recording of this hearing, and three (3) witnesses testified.

The Commission took administrative notice of the Licensee's Commission records and files.

FACTS

1. In November of 2008, C S Business Enterprises, LLC received an all-alcoholic beverages §12 license for a premises located at 361 Middlesex Road, Tyngsborough, MA. The corporate structure lists Christina Sideri as managing member and sole owner. (Testimony, Exhibit 1, Commission records)
 2. The public records of the Secretary of State of the Commonwealth, Corporations Division, state a corporate entity named Angela's Coal Fired Pizza at Tyngsborough, Inc. is listed with a location of 361 Middlesex Road, Tyngsborough, MA. Christina Sideri is listed as the president, treasurer, secretary, and director of this corporation. (Testimony, Exhibit 1, Commission records)
 3. Administrative review of the Licensee's Commission files shows an affidavit signed by Mrs. Christina Sideri, under the pains and penalties of perjury, in which she states that Angela's Coal Fired Pizza at Tyngsborough Inc. "will be [the] operating entity of the restaurant at the premises." (Testimony, Exhibit 10)
 4. Investigator Guarino requested that the Licensee provide her with the Bank Authorized signers and other bank records for any entity located at 361 Middlesex Road in Tyngsborough, MA. (Testimony, Exhibit 2)
 5. The Licensee, through its attorney, provided a copy of a TD Bank document dated 10/20/2008 for Angela's Coal Fired Pizza at Tyngsborough, MA. The authorized signers for this account are Christina Sideri and Eric Sideri. Eric Sideri and Christina Sideri are husband and wife and are legally married. (Testimony, Exhibit 2)
 6. The Licensee provided cancelled checks, paid from the account of Angela's Coal Fired Pizza in Tyngsborough, from November 2008 to May 2009. (Testimony, Exhibit 3)
 7. Forty-nine (49) checks as payment for the purchase of alcohol for the premises from November of 2008 to April of 2009 were signed by Eric Sideri. Mr. Eric Sideri is not the license holder, nor the owner of the licensee. (Testimony, Exhibit 3)
 - a. Classic Wine Imports five (5) checks signed by Eric Sideri for period of 11/19/08;
 - b. United Liquors: four (4) checks signed by Eric Sideri for period of 11/2/2008 to 2/5/2009
 - c. August A. Busch & Co. : twelve (12) checks signed by Eric Sideri for the period of 11/30/2008 to 4/1/2009;
 - d. Merrimack Valley Distributors: sixteen (16) checks signed by Eric Sideri from 11/20/2008 to 4/1/2009;
 - e. Martignetti : twelve (12) checks signed by Eric Sideri from 12/12/2008 to 4/1/2009
- In total forty-nine (49) checks for the purchase of alcoholic beverages for the licensee were signed by Eric Sideri (Testimony, Exhibit 3)

8. Christina Sideri signed 19 (nineteen) checks. (Exhibit A, subsection 6)
9. Investigator Guarino testified that pursuant to M.G.L. c. 138, §12, Eric Sideri is statutorily prohibited from holding a license due to his criminal record.¹ (Testimony, Exhibit 1).
10. A second TD Bank document, dated 03/06/2009, was provided for Angela's Coal Fired Pizza of Tyngsborough, Inc. The authorized signer for this account is Christina Sideri. (Testimony, Exhibits 1, 2)
11. On October 30, 2008 Mr. Eric Sideri became an authorized signatory on one account for the Licensee. (Exhibit 2)
12. Mrs. Christina Sideri testified that Eric Sideri was added as a signatory on the account in the event something happened to Mrs. Sideri. (Testimony)
13. The Commission heard no evidence or testimony that there were any events that indicated that anything happened to Mrs. Sideri so that she was incapable of signing checks for the licensee. (Testimony)
14. Christina Sideri testified that Mr. Eric Sideri is the owner/landlord of the property. (Testimony)
15. Commission Records indicate that in her application, Mrs. Sideri states that M3G Realty, LLC is the landlord of the license business. The application lists the headquarters of M3G Realty, LLC as 6 Russell St. North Andover, Massachusetts, which is Christina and Eric Sideri's home address. (Exhibit 10)
16. Commission records indicate that the amount of rent or a lease for the property was to be determined. (Commission Records)
17. Christina Sideri, in her affidavit, states that there is no lease, nor is there expected to be a lease, between CS Business Enterprises, LLC and Angela's Coal Fired Pizza. (Exhibit 10)
18. Christina Sideri also states that there is no lease between CS Business Enterprises, LLC and M3G Realty, LLC. (Exhibit 10)
19. The records of the Secretary of State's Office, Corporations Division, Annual Report of 2007 for M3G Realty, LLC list Mr. Eric Sideri, with a home address in North Andover, as the manager of the M3G Realty, LLC. Ms. Kera Mansour is listed as the social signatory at the North Andover address. (Exhibit 11)
20. Mrs. Christina Sideri testified that in March of 2009, she discovered that approximately \$20,000.00 (twenty thousand dollars) was stolen from the business by Mr. Lucio Oliveira, the assistant manager. (Testimony, Exhibits 1, 4, 5, 6)
21. Christina Sideri testified that after discovering the theft of the company monies by assistant manager Mr. Oliveira, Mrs. Sideri discussed the matter with her operational director, her financial director, and her husband, Mr. Eric Sideri. It was then decided to terminate the employee, Mr. Lucio Oliveira. (Testimony, Exhibit 12)

¹ There was no evidence before the Commission that Mr. Eric Sideri had a criminal record or convictions when Mrs. Christina Sideri originally applied to be the owner of the licensee. However, at the time of the Commission hearing, Mr. Eric Sideri possessed a criminal record. (Testimony, Exhibit D)

22. Mr. Lucio Oliveira was not present and did not testify at the Commission hearing in this matter. (Testimony)
23. A letter signed by Mrs. Christina Sideri, states the Mr. Eric Sideri has interaction and involvement with the General Managers of the restaurants; financial officers of the company; operational director of the company; and with Christina Sideri, as the owner of licensee and wife of Eric Sideri. (Exhibit 12)
24. Mrs. Christina Sideri wrote in a letter that "the night of the incident, Eric arrived at the restaurant spent his time walking through and overseeing the general operation as he normally would when he came to the restaurant. He was at the restaurant until it closed, and he and Al Guevara, the operations director, met with the assistant manager at 12:30 p.m. when he was terminated." (Exhibit 12)
25. Mrs. Sideri testified that she discussed the theft and the termination of Assistant Manager Oliveira with her husband Eric, and she testified that she knew he (Eric) would handle it. (Testimony)
26. License Manager Mr. Guevara testified that he chose to have Mr. Eric Sideri present during the firing of Mr. Oliveira. (Testimony)
27. Mr. Guevara testified that he had typed out a termination letter to give to Mr. Oliveira. Mr. Guevara testified that he chose to have Mr. Eric Sideri present during the firing/termination of Mr. Oliveira. (Testimony)
28. Mrs. Christina Sideri and Mr. Alfonso Guevara testified that after discussing the employee theft amongst themselves, they did not call the police or the authorities as they opted to terminate the employee pursuant to the Employee Handbook. (Testimony, Exhibit 9)
29. The Employee Handbook states that the theft of company property is grounds for employee termination. In event of injury or accident, or if medical attention is required on the premises, management and/or employees are required to call "911". (Exhibit 9)
30. Mr. Guevara testified that while terminating Mr. Oliveira, Eric Sideri pushed Mr. Oliveira, who fell on a chair that tipped over. Mr. Oliveira then charged at Eric Sideri. (Testimony)
31. Eric Sideri then sucker punched Mr. Oliveira in the lip, mouth and chin. Mr. Oliveira was bleeding; he then walked out and left the premises. (Testimony)
32. On Sunday, March 22, 2009, at approximately 12:00 p. m., the Tyngsboro Police Department conducted an investigation into an alleged assault which took place on the licensed premises. Lucio Oliveira, an employee at this establishment reported that he was assaulted by Eric Sideri, in the presence of another man identified as Alfonso Guevara, the license manager. Mr. Sideri accused Mr. Oliveira of stealing twenty thousand dollars (\$20,000.00). (Testimony, Exhibits 1, 4, 5, 6)
33. Sergeant Shawn Wagner of the Tyngsborough Police Department took over this investigation. Eric Sideri was arrested and indicted in Middlesex Superior Criminal Court for the following offenses:
 - i. M.G.L. c. 265, §26 – Kidnapping by force (firearm)
 - ii. M.G.L. c. 265, §13A – Assault and Battery

- iii. M.G.L. c. 265, §15A – Assault and Battery Dangerous Weapon (Firearm)
 - iv. M.G.L. c. 265, §15A – Assault and Battery Dangerous Weapon (Blunt Object)
 - v. M.G.L. c. 266, §28B– Using a Motor Vehicle without Authority
 - vi. M.G.L. c. 275, §2 – Threatening to Commit a Crime. (Testimony, Exhibit 1)
34. Mr. Alfonso Guevara was indicted criminally and charged in a joint venture with Mr. Eric Sideri. They were each indicted in Middlesex Superior Criminal Court. (Testimony, Exhibits 7, C)
 35. Mr. Alfonso Guevara was found not guilty/acquitted of all criminal charges after a jury trial in Middlesex Superior Court. (Testimony, Exhibit C)
 36. On May 1, 2012, Eric Sideri was found Guilty and convicted, after a jury trial, of a prison term with a sentence of not less than four (4) years and not more than five (5) years for the following offenses: M.G.L. c. 265, §15A – Assault and Battery Dangerous Weapon (Baseball Bat); M.G.L. c. 266, §28B– Using a Motor Vehicle without Authority; M.G.L. c. 265, §13A – Assault and Battery. (Testimony, Exhibits 7, C)
 37. Upon appeal, Mr. Sideri’s sentence was vacated and the verdict set aside on the count of Assault and Battery with a Dangerous Weapon. (Exhibit C)
 38. The convictions were affirmed for Mr. Sideri for assault and battery, and unauthorized use of a motor vehicle, where he received two (2) years in prison, followed by three (3) years of probation. (Exhibit D)

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Commission, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses to sell alcoholic beverages is set out in M.G.L. c. 138. Licenses must be approved by both local licensing authorities and the ABCC. M.G.L. c. 138, §§12, 67. See Beacon Hill Civic Assn. v. Ristorante Toscano, Inc., 422 Mass. 318, 321 (1996). Section 23 of c. 138 provides, in pertinent part: “Any license under this chapter held by an individual, partnership, or corporation may be transferred to any individual, partnership or corporation qualified to receive such a license in the first instance, if, in the opinion of the licensing authorities, such transfer is in the public interest.” Section 2 of c. 138 provides, in pertinent part: “No person shall ... sell ... alcoholic beverages or alcohol, except as authorized by this chapter [.]”

In reviewing the authority of the Commission, the Supreme Judicial Court has held that “[t]he powers of the States in dealing with the regulation of the sale of intoxicating liquors are very broad. What they may wholly prohibit, they may permit only on terms and conditions prescribed by the Legislature.” Supreme Malt Products Co., Inc., v. Alcoholic Beverages Control Commission, 334 Mass. ---; Ziffrin, Inc. v. Reeves, 308 U.S. 132, 138-139; Carter v. Virginia, 321 U.S. 131, 137-143. In dealing with a trade, which, because of its great potential evils, can be wholly prohibited, a wide power is given to the Legislature with respect to the delegation of discretionary powers. Particularly in view of the extent to which the policy of c. 138, and the basis for action under it, have been specified, as already indicated, there is no invalid delegation of authority to the commission in leaving to it, as was done in § [12], the power to approve or disapprove applicants for licenses. See Butler v. East Bridgewater, 330 Mass. 33, 36-37. Connolly v. ABCC, 334 Mass. 613, 619, (1956).

The SJC further held that "[t]he legislative history of [the Commission's enabling act], and of M.G.L. (Ter.Ed.) Ch. 138, as amended, clearly shows that the powers of the Commission were not intended to be perfunctory or limited. In the very respect here in issue, the approval or disapproval of the action of local licensing authorities, that history indicates that the Commission was charged with important responsibilities and that it was not to be narrowly restricted in performing them." Connolly v. ABCC, 334 Mass. 613, 617 (1956).

Massachusetts General Laws c. 138, § 23 - Transferring Privilege of License without Approval:

A licensee who wishes to transfer their interest in an alcoholic beverages license is required to obtain prior approval from the licensing authorities. This allows the licensing authorities to determine if the transfer is in the public interest and if the proposed transferee is someone who qualifies to hold a license.

Implicit in the transfer of a license is the surrender of control. A "transfer of a business takes place when the person introduced to it runs the business for his own account." Griffin's Brant Rock Package Store, Inc. v. Alcoholic Beverages Control Commission, 12 Mass.App.Ct. 768, 771, 429 N.E.2d 62, 65 (1981). The Commission is instructed by the cases of Cleary v. Cardullo's, Inc., 347 Mass. 337, 346-350, 198 N.E.2d 281 (1964) and Number Three Lounge, Inc. v. Alcoholic Beverages Control Comm., 7 Mass. App. 301, 304-308, 387 N.E.2d 181 (1979). As characterized by the Appeals Court in the Griffin's Brant Rock case, "[i]n Cleary, the purported principal contributed no financial resources and was wholly dependent on his father and corporations controlled by his father." Griffin's Brant Rock Package Store, Inc., 12 Mass.App.Ct. at 773, 429 N.E.2d at 65, and "[i]n Number Three Lounge, there was evidence that a son-in-law of a person who had been refused a license was substituted as an applicant, but the substitution lacked all economic substance. Griffin's Brant Rock Package Store, Inc., 12 Mass.App.Ct. at 773-774, 429 N.E.2d at 66.

The Commission is convinced by satisfactory proof and finds that there was a transfer of license without first obtaining permission from both the Local Board and the Commission, as required by statute. M.G.L. c. 138, §23. The acts of handing over control of the licensed premises to Eric Sideri, who was not approved by the Local Board and the Commission, and for Mr. Eric Sideri to operate the premises for his own account is a violation of M.G.L. c. 138 §23. Although Christina Sideri testified that she owns the business herself, and that it is completely her business, the Commission find inconsistencies in her testimony and in the evidence submitted in this matter. Christina Sideri submitted a letter, which was signed by Mrs. Christina Sideri, which states that Mr. Eric Sideri has interaction and involvement with the General Managers of the restaurants; the financial officers of the company; the operational director of the company; and with Christina Sideri, as the owner of the licensee and wife of Eric Sideri.

Mrs. Christina Sideri also wrote in a letter that "the night of the incident, Eric arrived at the restaurant and spent his time walking through and overseeing the general operation as he normally would when he came to the restaurant. He was at the restaurant until it closed, and he and Al Guevara, the operations director, met with the assistant manager at 12:30 p.m. when he was terminated."

Although Mr. Eric Sideri was the landlord, there was no existing lease executed between the licensee and Mr. Eric Sideri. The Commission believes that this supports the evidence that Mr. Sideri was an owner of the licensee. Furthermore, Mr. Eric Sideri signed the majority of the checks to purchase alcohol for the licensee. Mr. Eric Sideri signed a far greater number of checks than did Mrs. Christina Sideri. The Commission is puzzled that Christina Sideri testified that Eric Sideri was a signatory on the bank account of the licensed business in the event that something happened to Mrs. Sideri, yet his signature appeared on the majority of the financial documents submitted in this matter as evidence. There was no evidence or testimony that there were any events that indicated that anything happened to Mrs. Sideri so that she was prevented from or unable to sign the checks for the multiple purchases of alcohol for the licensee.

Furthermore, the Commission heard evidence that Mr. Sideri had no ownership interest in the licensee, yet he would walk around the restaurant and oversee the management when he came to the restaurant. Christina Sideri testified that she discussed the theft of monies and the termination of Mr. Oliveira with Eric Sideri. Mr. Guevara testified that he waited for Eric Sideri to arrive at the premises, as he wanted him (Eric Sideri) there when he confronted and terminated Assistant Manager Oliveira for the theft of monies from the restaurant.

The application did not mention Mr. Eric Sideri as having any direct or indirect beneficial or financial interest in this license. The Appeals Court held in Number Three Lounge, Inc. v. Alcoholic Beverages Control Commission, 7 Mass. App. Ct. 301 (1979), the concept of an ownership interest can vary from an absolute proprietary interest to a mere possessory right.

The Commission finds that Mr. Eric Sideri was an owner of the licensee. He signed the majority of the checks to order the alcohol, he was involved in the termination of employee personnel, and he would consult with all management and operations staff when he came to the premises. Mr. Eric Sideri owned the property, yet there was no lease or evidence of rent being paid to Mr. Sideri from the licensee.

A licensee must receive prior approval from both the local licensing authority and the Commission before transferring the privilege of its license or transferring any type of interest in it. In contravention of the statute, no other individual has been investigated or approved to have control of or benefit from this licensed business. See Griffin's Brant Rock Package Store, Inc. v. Alcoholic Beverages Control Commission, 12 Mass. App. Ct. 768, 771 (1981).

The Commission finds that there was a transfer of a direct beneficial interest in this license to Mr. Eric Sideri. The Commission is convinced by satisfactory proof that there was a transfer of this license without first obtaining permission from both the local board and the Commission, as required by statute. M.G.L. c.138, §23. The acts of handing over control of the licensed premises to Mr. Eric Sideri, who was not approved by the Local Board and the Commission, and allowing him to operate the license business, oversee and manage the premises and its operations, and terminate employees, is a violation of M.G.L. Ch. 138 §23.

Permitting an Illegality - 204 CMR 2.05 (2), to wit: M.G.L. c. 265 §13A Assault and Battery:

M.G.L. Chapter 138 gives the local board and commission the authority to grant, revoke and suspend licenses. Chapter 138 was "enacted to serve the public need and... to protect the common good." G.L. Chapter 138, section 23, as amended through St. 1977, c.929, Section 7. "[T]he purpose of discipline is not retribution but the protection of the public." Arthurs v. Board of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given 'comprehensive powers of supervision over licensees,' Connolly v. Alcoholic Beverages Control Comm., 334 Mass. 613, 617 (1956), as well as broad authority to issue regulations. The Local Board has authority to enforce Commission regulations. New Palm Gardens, Inc. v. Alcoholic Beverages Control Commission, 11 Mass. App. Ct. 785, 788 (1981).

The law is well-settled that 'under the regulation, [204 C.M.R 2.05(2)] the responsibility of the licensee is to exercise sufficiently close supervision so that there is compliance with the law on the premises. A vendor who sells alcohol is "bound at his own peril to keep within the condition of his license." Commonwealth v. Gould, 158 Mass. 499, 507 (1893). Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Commission, 7 Mass. App. Ct. 186, 190 (1979). It is, thus, quite possible for a licensee to offend the regulatory scheme without scienter. Rico's of the Berkshires, Inc., v. ABCC, 19 Mass. App. Ct. 1026, 1027 (1985) (rescript).

The licensee is responsible for illegalities, disturbances, and/or disorders that occur on the licensed premises. The licensee has a duty of care to prevent foreseeable harm to its patrons and others. See Tobin, Id.; Westerback v. Harold F. Leclair Co., 50 Mass App. Ct. 144, 735 N.E. 2d 1256 (2000); Kane v.

Fields Corner Grille, Inc. 341 Mass. 640, 641, 171 N. E. 2d 287 (1961); Carey v. New Yorker of Worcester, Inc. 355 Mass. 450, 451, 245 N.E. 2d 420 (1969).

The Commission finds, based on the testimony of Mr. Guevara, the documents from Middlesex Superior Court, and the Massachusetts Appeals Court, no violation of permitting an illegality, 204 CMR 2.05 (2), to wit: M.G.L. c. 26 §15A Assault and Battery Dangerous Weapon (Baseball Bat).

As the Commission was not presented with any direct evidence regarding the charge of 204 CMR 2.05 (2), to wit: M.G.L. c. 266 §28 (B) Using a Motor Vehicle without Authority, the Commission finds no violation for this charge.

Mr. Guevara testified that he did not know that Mr. Eric Sideri was going to push Mr. Oliveira and that these events would transpire. Yet, the Commission finds that Mr. Guevara, as the license manager, testified that he waited to confront and terminate Mr. Oliveira, and he waited and chose to have Mr. Sideri present for the termination. Neither Christina Sideri, Mr. Guevara, nor Eric Sideri called the police or the authorities regarding the theft of twenty thousand (\$20,000.00) dollars by Mr. Oliveira. Christin Sideri testified that she discussed the theft of the monies and the termination of Mr. Oliveira with her husband because she knew that her husband, Eric Sideri, would take care of it. Based on the evidence, that this termination was performed with the consent of the owner of the licensee, Christina Sideri, and in the presence of the license manager, the Commission finds that a violation of permitting an illegality to wit: assault and battery, occurred. Therefore, the Commission finds that the licensee committed this violation.

CONCLUSION

Based on the evidence presented at the hearing, the Commission finds that there was not sufficient evidence to prove a violation of:

- 1) 204 CMR 2.05 (2), to wit: M.G.L. c. 26 §15A Assault and Battery Dangerous Weapon (Baseball Bat); and
- 2) 204 CMR 2.05 (2), to wit: M.G.L. c. 266 §28 (B) Using a Motor Vehicle without Authority.

Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138 §23- Transfer of the privilege of a license without proper approval;
- 2) 204 CMR 2.05 (2), permitting an illegality, to wit: M.G.L. c. 265 §13A Assault and Battery.

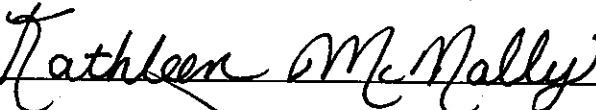
Therefore, the Commission **SUSPENDS INDEFINITELY** the license of C S Business Enterprises, LLC d/b/a Angela's Coal Fired Pizza **EFFECTIVE FORTHWITH**, until further written order of the Commission.

The Commission suspends the license of C S Business Enterprises, LLC d/b/a Angela's Coal Fired Pizza for five (5) days for permitting an illegality of assault and battery, to run concurrent with the indefinite suspension.

The Commission will not issue any further order without a written request from the licensee showing good cause to reconsider this indefinite suspension, and a hearing before the Commission that the licensee attends.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: March 25, 2015

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
Caroline Guarino Wilichoski, Investigator
Stephen Miller Esq. via fax 617-946-4624
Administration
File