



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Telephone: (617) 727-3040
Fax: (617) 727-1510

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 12, 2018

AZTEC RESTAURANT GROUP CORP.
D/B/A GARCIA BROGAN'S CANTINA PUB & RESTAURANT
240 MOODY ST.
WALTHAM, MA 02451
LICENSE#: 1320-00023
VIOLATION DATE: 4/01/2018
HEARD: 9/11/2018

After a hearing on September 11, 2018, the Commission finds Aztec Restaurant Group Corp. d/b/a Garcia Brogan's Cantina Pub & Restaurant violated 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: Ch. 138 § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count).

The Commission suspends the license for a period of four (4) days of which one (1) day will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, October 31 and terminate on Wednesday, October 31, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 31, 2018 at 9:00 A.M. It will be returned to the licensee on Thursday, November 1, 2018.

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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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Michael Teehan, Investigator
Caroline Wilichoski, Investigator
Administration, File



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DECISION

**AZTEC RESTAURANT GROUP CORP.
D/B/A GARCIA BROGAN'S CANTINA PUB & RESTAURANT
240 MOODY ST.
WALTHAM, MA 02451
LICENSE#: 1320-00023
VIOLATION DATE: 4/01/2018
HEARD: 9/11/2018**

Aztec Restaurant Group Corp. d/b/a Garcia Brogan's Cantina Pub & Restaurant (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, September 11, 2018, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 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 facts alleged in Investigator Keefe's Report.

The following document is in evidence:

1. Investigator Keefe'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 Saturday, March 31, 2018, at approximately 10:20 p.m., Investigators Teehan, Wilichoski and Keefe ("Investigators") investigated the business operation of Aztec Restaurant Group Corp. d/b/a Garcia Brogan's Cantina Pub & Restaurant to determine the manner in which its business was being conducted.
2. At approximately 10:45 p.m., Investigators observed a group of male individuals in possession of alcoholic beverages.
3. At approximately 10:54 p.m., these male individuals each took a shot of an alcoholic

beverage.

4. At approximately 11:21 p.m., these male individuals received an alcoholic beverage from one of their male friends.
5. At approximately 11:39 p.m., one of the male individuals from the group ordered four shots of alcoholic beverage.
6. At approximately 11:47 p.m., these male individuals ordered another shot of alcoholic beverage.
7. At this point, based on their training and experience, Investigators determined that one of the male individuals, Zachary Bastarache, was intoxicated.
8. Investigators observed Bastarache standing at the bar, speaking with slurred speech in a loud voice. Bastarache slammed his hand on the bar numerous times while he talked with his friends.
9. At approximately 11:59 p.m., Investigators observed Bastarache take a big gulp of his drink. In the process of this, he lost his balance, almost knocking over the bar stool and grabbing onto the bar so as not to fall over. Investigators then observed Bastarache repeatedly kick his friend in the rear end.
10. At approximately 12:02 a.m., Investigators overheard Bastarache ask his friend if he should order another drink. Bastarache then went to the bar and asked in loud and slurred speech, "Do you want a Bud Light?" Bastarache then ordered two vodka with Sprite® soft drinks from the male bartender on duty, Dana Hansen.
11. Investigators observed the service. Investigator Teehan contacted the Waltham Police Department for assistance. Once Waltham Police officers arrived at the establishment, Investigators identified Bastarache and tried to ensure his safe transport home. Bastarache was not cooperative so Waltham Police Officer Barson placed Bastarache in protective custody.
12. Investigators spoke to Dana Hansen who was also the manager on duty. Hansen produced a sales receipt which indicated Bastarache ordered two drinks which Hansen identified as vodka and Sprite® soft drinks.
13. Investigators spoke with the other male individuals of the group and made sure that they all had safe transport home.
14. Investigators informed Hansen of the violation and that a report would be submitted to the Chief Investigator for further 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: Ch. 138 § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count). Therefore, the Commission suspends the license for a period of four (4) days of which one (1) day will be served and three (3) 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

Elizabeth Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: September 12, 2018

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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