

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

**Commonwealth of Massachusetts**  
**Department of the State Treasurer**  
**Alcoholic Beverages Control Commission**  
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**Boston, MA 02114**  
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## **DECISION**

**PAUL'S PUB INC. D/B/A SHOPPERS CAFÉ**  
**731 MOODY STREET, UNIT 12**  
**WALTHAM, MA 02453**  
**LICENSE#: 1320-00033**  
**VIOLATION DATE: 11/22/2017**  
**HEARD: 01/23/2018**

Paul's Pub Inc. d/b/a Shoppers Café (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, January 23, 2017, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. C. 148, § 34A (a) (5) – Exceeding the Occupancy Limit Established by the Local Building Inspector Pursuant to Chapter 143. Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Di Cicco's report.

The following documents are in evidence:

1. Investigator Di Cicco'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 Wednesday, November 22, 2017, at approximately 11:45 p.m., Investigators Keefe and Di Cicco ("Investigators") conducted an investigation of the business operation of Paul's Pub Inc. d/b/a Shoppers Café to determine the manner in which its business was being conducted.
2. Investigators entered the premises and observed a high volume of individuals inside and that patrons had a difficult time walking around.
3. Although they were unable to walk freely inside the premises, Investigators conducted a visual count of the persons inside and counted 225 individuals.
4. Investigators identified themselves to the manager on duty, Michael LaCava, and asked to see the building occupancy permit. LaCava showed Investigators the occupancy permit which stated the capacity for the premises was 87 people.

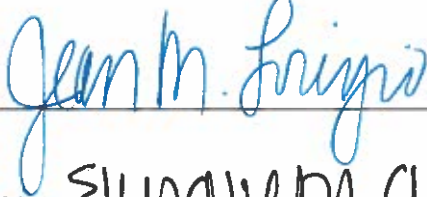
5. Investigators informed Mr. LaCava of the violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

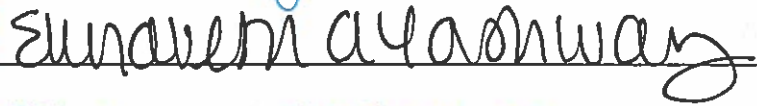
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. C. 148, § 34A (a) (5) – Exceeding the Occupancy Limit Established by the Local Building Inspector Pursuant to Chapter 143. Therefore, the Commission **suspends the license for a period of ten (10) 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**

Jean M. Lorizio, Chairman



Elizabeth Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: January 24, 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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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Joseph Di Cicco, Investigator  
Dennis Keefe, Investigator  
Administration, File