

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

*Steven Grossman*  
*Treasurer and Receiver General*

**DECISION**

*Kim J. Gainsboro, Esq.*  
*Chairman*

**Manlo Enterprises, Inc.**  
**dba Mario's Showplace, II**  
**147 Thompson Street**  
**Webster, MA 01570**  
**License #: 134200028**  
**Heard: 03/08/2011**

Manlo Enterprises, Inc. dba Mario's Showplace, II (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 8, 2011, regarding an alleged violation of M.G.L. c.138, §69 (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Michael Teehan's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Michael Teehan's Report.

There is one (1) tape of this hearing.

**FACTS**

1. On December 16, 2010, Investigators Kenny and Teehan investigated the business operation of Manlo Enterprises, Inc. dba Mario's Showplace, II.
2. At approximately 9:35 p.m., investigators entered the premises and observed an individual who appeared to be intoxicated.
3. This individual was in possession of a drink referred to as a "Jack on the Rocks".
4. He was observed by the investigators to be staggering and unsteady on his feet.
5. His movements were slow and uncoordinated as he handled his drink.
6. At one point, he staggered from one end of the licensed premises to the other and a waitress was overheard stating that the male was so drunk that he did not know where he was going.
7. Based on their training and experience, the Investigators formed the opinion that he was intoxicated.
8. At approximately 11:40 p.m., the individual was served a shot and then approximately fifteen (15) minutes later he was served another "Jack on the Rocks" and was observed drinking both of them.

**DISCUSSION**

The licensee testified that the bartender who had served the male had been employed by the establishment for eleven (11) years was suspended for two (2) weeks. He also testified that he has owned the establishment for over fifteen (15) years.

#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated M. G. L. c. 138, §69. Therefore, the Commission **suspends the licensee's license for a period of five (5) days.**

#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

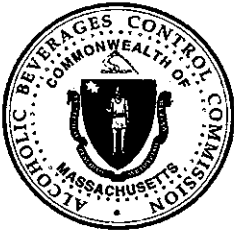
Susan Corcoran, Commissioner *Susan Corcoran*

Robert H. Cronin, Commissioner *Robert H Cronin*

Dated: May 13, 2011

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  
Michael Teehan, Investigator  
File



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
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NOTICE OF SUSPENSION

*Kim S. Gainsboro, Esq.*  
*Chairman*

May 13, 2011

**Manlo Enterprises, Inc.**  
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**147 Thompson Street**  
**Webster, MA 01570**  
**License #: 134200028**  
**Heard: 03/08/2011**

After a hearing on March 8, 2011, the Commission finds Manlo Enterprises, Inc. dba Mario's Showplace, II in violation of Massachusetts General Laws c. 138, §69.

The Commission **suspends the licensee's license for a total of five (5) days to be served.** The suspension shall commence on **Wednesday, June 15, 2011 and terminate on Sunday, June 19, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 15, 2011 at 9:00 A.M. It will be returned to the licensee Monday, June 20, 2011.

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 20 calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by 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**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
File