



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**JOLO INC. D/B/A HURRICANE BETTY'S
350 SOUTHBRIDGE STREET
WORCESTER, MA 01608
LICENSE#: 00183-RS-1508
VIOLATION DATE: 12/20/2024
HEARD: 3/18/2025**

Jolo Inc. d/b/a Hurricane Betty's ("Licensee" or "Hurricane Bettys") 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, March 18, 2025, regarding an alleged violation of M.G.L. c. 138, § 23 Sale of alcoholic beverages other than those purchased from a licensee under § 18 or § 19 or from a holder of a special license under § 22A (5 Counts).

The following documents are in evidence:

1. Investigative Report of S. Fleming;
2. ABCC Form 43, Transfer of License Approval, 3/7/2003;
3. Photograph of Confiscated Alcohol Beverages;
4. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, December 20, 2024, at approximately 8:00 p.m., Investigators Guarino, Kujawski and Fleming ("Investigators") investigated the business operation of Jolo Inc. d/b/a Hurricane Betty's ("Licensee" or "Hurricane Bettys"). (Testimony, Exhibit 1)
2. While outside the licensed premises Investigators observed a red sedan with an open trunk parked at the rear of the premises. A male individual carried several boxes of alcoholic beverages into the establishment through the back door. Id.
3. Investigators entered the licensed premises and identified themselves to the manager on duty, William Fitz, and to the head of security. Id.
4. Investigators observed the boxes of alcoholic beverages that were brought in through the back door sitting on the bar. (Testimony, Exhibits 1, 3)

5. Investigators asked Mr. Fitz to produce receipts from a distributor for the alcoholic beverages on the bar. He could not produce receipts and informed Investigators that he sent an employee to purchase the alcoholic beverages from a liquor store in Worcester. (Testimony, Exhibit 1)
6. Investigators confiscated the following alcoholic beverages: Three (3) 24-packs of Corona beer; One (1) 24-pack of Bud Light beer; and One (1) 24-pack of Modelo beer. (Testimony, Exhibits 1, 3)
7. Investigators informed the staff of the violations and that a report would be submitted to the Chief Investigator for further review. (Testimony, Exhibit 1)
8. Patrick Scorzelli, Manager of Record, appeared at the Commission hearing along with Mr. Fitz and Joseph O'Grady. Mr. Fitz testified he brought in the alcohol and did not realize such purchases were not allowed. (Testimony)
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2003 with no prior violations. (Exhibit 2)

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm'n, 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 and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was "enacted ... to serve the public need and ... to protect the common good." M.G.L. c. 138, § 23. "[T]he purpose of discipline is not retribution, but the protection of the public." Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given "comprehensive powers of supervision over licensees." Connolly, 334 Mass. at 617.

The "[r]egulation of the liquor industry in Massachusetts is comprehensive and pervasive." Cellarmaster Wines of Mass., Inc. v. Alcoholic Beverages Control Comm'n, 27 Mass. App. Ct. 25, 27, 534 N.e.2d 21 (1989); see Miller Brewing Co. v. Alcoholic Beverages Control Comm'n, 56 Mass. App. Ct. 801, 808-809 (2002). "Massachusetts law requires that alcohol products sold in this State by manufacturers or suppliers be sold initially to licensed Massachusetts wholesalers. Those wholesalers in turn sell to retailers who sell to consumers. G.L. c. 138 §§ 12, 15, 18, 18B, 19." Heublein, Inc. v. Capital Distributing Co., 434 Mass. 698, 699 (2002); see Miller Brewing Co., 56 Mass. App. Ct. at 808-809.

The Licensee is charged with a violation M.G.L. c. 138, § 23 – No license issued under §§ 12, 14, or 15 and no certificate of fitness under § 30 shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under §§ 18, 19, or 19F or 19C or from a holder of a special permit to sell issued under § 22A.

Direct evidence was presented through the testimony of both the Investigator who observed an employee bringing alcoholic beverages into the licensed premises, and the employee who admitted to purchasing the alcoholic beverages from a retail package store. (Testimony)

“Possession on the licensed premises by any licensee under this chapter of any alcoholic beverages or alcohol not authorized to be sold or used under the terms of his license shall be prima facie evidence that such beverage or alcohol is kept for sale in violation of this chapter.” M.G.L. c. 138, § 30H.


The Licensee purchased alcoholic beverages from an unauthorized source and said alcoholic beverages were found on the licensed premises. As such, the Commission finds the Licensee violated M.G.L. c. 138, § 23.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 23 Sale of alcoholic beverages other than those purchased from a licensee under § 18 or § 19 or from a holder of a special license under § 22A (5 Counts). Therefore, Commission **suspends the license for a period of one (1) day which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner 

Deborah A. Baglio, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman 

Dated: December 5, 2025

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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2025-000013-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Sean Fleming, Investigator
Caroline Guarino, Investigator
Jan Kujawski, Investigator
Administration, File