

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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

Leo J., Leo R. and Rosemarie Cicero dba Cicero's
17 Suffolk Street
Worcester, MA 01608
License #: 150800192
Heard: 3/29/2011

Leo J., Leo R. and Rosemarie Cicero dba Cicero's ("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 29, 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 Jamie Binienda's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Jamie Binienda's Report

There is one (1) tape of this hearing.

FACTS

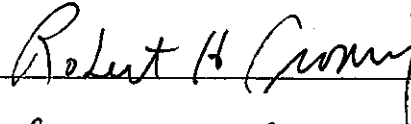
1. On Sunday November 28, 2010, Investigators Doyle and Binienda investigated the business operation of. Leo J., Leo R. and Rosemarie Cicero dba Cicero's.
2. Before entering the premises, the investigators encountered a male outside the premises smoking a cigarette who spoke to them with a slurred speech.
3. The investigators went inside and observed the male enter the bar and stagger while he attempted to walk to the far end of the bar. The male patron then picked up a bottle of Budweiser beer and drank from it.
4. The investigators observed the same male lean on the bar with his head bobbing up and down on several occasions.
5. The investigators determined from his actions that he was intoxicated.
6. The intoxicated patron ordered and was served another Budweiser beer by the bartender.
7. The investigators identified themselves to the bartender who admitted the male patron was intoxicated. He further stated the male had seven (7) drinks while on the premises but was not driving. The bartender noted the male patron was having a bad day and had recently broken up with his girlfriend.
8. The bartender states he would make sure the patron got home safely.
9. Administrative review of the file indicates this was the first violation by the licensee in forty (40) years of ownership.

CONCLUSION

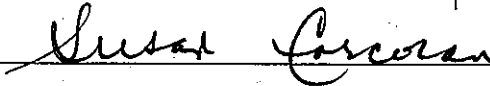
Based on the evidence, the Commission finds the licensee violated M. G. L. c. 138, §69 (1 count). Therefore, the Commission **suspends the licensee's license for a period of three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner



Susan Corcoran, Commissioner



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
Jamie Binienda, Investigator
Steven V. Miller, Esq. via Facsimile 617-946-4624
Administration
File