

Re: Torcia & Sons, Inc.  
d.b.a.: Fat Cat Bar & Grill  
Premises: 222-234 Worthington Street  
City/Town: Springfield, MA 01103  
License: AA Restaurant  
Heard: October 21, 2009

### DECISION

This was an appeal from the action of the Licensing Board of the City of Springfield for suspending the license of Torcia & Sons, Inc. d.b.a. Fat Cat Bar & Grill located at 222-234 Worthington Street for a period of 9 days.

The parties stipulated to the following:

On May 28, 2009, Torcia & Sons, Inc. d/b/a Fat Cat Bar & Grill appeared before the Board of License Commissioners for the City of Springfield for a final hearing on an alleged July 5, 2008 violation of 204 Code of Massachusetts Regulations 2.05(2) “no licensee for the sale of alcoholic beverages shall permit any disorder, disturbances or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.” (to wit: Assault and Battery upon would-be patron) 1 COUNT.

After the hearing, the Board of License Commissioners found that on July 5, 2008, the licensee violated 204 Code of Massachusetts Regulations 2.05(2). The Board of License commissioners imposed the following penalty:

1. Licensee shall serve a 9 day suspension on the following days: Thursday, June 4; Friday, June 5; Saturday, June 6; Thursday, June 11; Friday, June 12; Saturday, June 13; Thursday, June 18; Friday, June 19, Saturday, June 20; and
2. Licensee must submit a change of manager request within 30 days;
3. Licensee must serve all beverages in plastic or paper cups. Glass and metal cans are prohibited; and
4. On the nights the Licensed premises is suspended the attached signs must be conspicuously placed in the window of premises. See Exhibits 8, 9 and 10.

The vote of the Board on the penalty was 3 in favor to 1 opposed.

The parties agree and hereby stipulate that no bottle, can, glass or any other object containing any alcoholic beverage was involved in any way with the alleged assault on July 5, 2008.

The Licensee agrees to narrow the issue to be determined by the Alcoholic Beverages Control Commission that the Licensee not be subjected to penalty Number 3 imposed by the Springfield License commission, to wit: "Licensee must serve all beverages in plastic or paper cups. Glass and metal cans are prohibited."

Based upon the stipulation and agreement of facts by the parties, the Alcoholic Beverages Control Commission orders the Springfield Board of License Commissioners to rescind the finding and order that the "Licensee must serve all beverages in plastic or paper cups. Glass and metal cans are prohibited," in its findings dated June 4, 2009.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner \_\_\_\_\_

Susan Corcoran, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 21<sup>st</sup> day of October 2009.

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 days of receipt of this decision.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
William G. Scibelli, Esq.  
Thomas John Rooke, Esq.  
Michael E. Mulcahy, Esq.  
File