



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

Torca & Sons, Inc. dba Fat Cat Bar and Grill
222-234 Worthington St.
Springfield, MA 01103
License #: 1226 00094
Heard: 3/15/2011

Torca & Sons, Inc. dba Fat Cat Bar and Grill (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 15, 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 Dennis Keefe's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Dennis Keefe's Report dated December 5, 2010.

There is one (1) tape of this hearing.

FACTS

1. On Saturday, December 4, 2010, Investigators Keefe, Wilichoski and Capurso investigated the business operation of Torcia & Sons, Inc. dba Fat Cat Bar and Grill.
2. Upon entering the bar, their attention was drawn to a male patron in possession of a Budweiser Bottle.
3. The patron was having difficulty keeping his balance and was noticeably swaying from side to side.
4. He also had difficulty placing the bottle in his mouth when taking a sip from the beer.
5. The male patron would shut his eyes for periods of approximately three (3) seconds at a time.
6. The investigators formed the opinion that the male patron was intoxicated.
7. The male patron was joined by another male individual and was witnessed ordering and being served a raspberry kamikaze by the waitress.
8. The investigators notified the Springfield Officer on duty and the manager on the premises.
9. The officer provided safe transport for the male patron.
10. Administrative review of the file indicates violations in 1999 and 2006.

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

Robert H. Cronin, Commissioner

Robert H. Cronin

Susan Corcoran, Commissioner

Susan Corcoran

Dated: May 2, 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
Dennis Keefe, Investigator
File