

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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

May 11, 2015

THE MAIN ST. STILL INC. DBA THE STILL
858 SUFFIELD STREET
AGAWAM, MA 01001
LICENSE#: 001200022
VIOLATION DATE: 12/19/2014
HEARD: 03/31/2015

After a hearing on March 31, 2015, the Commission finds The Main St. Still Inc. dba The Still violated:

- 1) M.G.L. c. 138, §69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count).
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, To Wit: 780 CMR 121.1 Overcrowding.

The Commission suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, June 24, 2015 and terminate on Sunday June 28, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 24, 2015 at 9:00 A.M. It will be returned to the licensee Monday, June 29, 2015.

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 twenty (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.

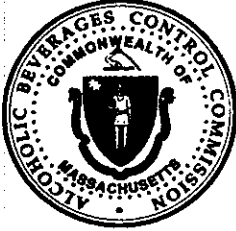
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Dennis Keefe, Investigator
Steve Buoniconti, Esq. via facsimile 413-455-1594
Administration
File

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

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DECISION

THE MAIN ST. STILL INC. DBA THE STILL
858 SUFFIELD STREET
AGAWAM, MA 01001
LICENSE#: 001200022
VIOLATION DATE: 12/19/2014
HEARD: 03/31/2015

The Main St. Still Inc. dba The Still (the "Licensee") holds an alcohol beverage license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 31, 2015, regarding the alleged violation of:

- 1) M.G.L. c. 138, §69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count).
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, To Wit: 780 CMR 121.1 Overcrowding.

Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report dated December 30, 2014; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Friday, December 19, 2014, at approximately 10:15 p.m., Investigators Keefe and Temple (the "Investigators") investigated the business operation of The Main St. Still Inc. dba The Still to determine the manner in which its business was being conducted.
2. Acting in an undercover capacity, Investigators entered the premises which they observed was well lit.
3. While standing at the bar Investigators observed Gregory H. [REDACTED], approximately 10 feet away from their position, in possession of an alcoholic beverage.
4. Investigators observed that Mr. H. [REDACTED] swayed from side to side and appeared to have difficulty maintaining his balance.
5. At approximately 10:25 p.m., Investigators observed Mr. H. [REDACTED] walk from the left side of the bar, near the entrance, past the bar towards the pool tables. They observed that Mr. H. [REDACTED] was unsteady on his feet, and he spilled his alcoholic beverage several times. Mr. H. [REDACTED] entered the bathroom.

6. At approximately 10:55 p.m., Mr. H [REDACTED] exited the bathroom and Investigators observed that he had trouble keeping his eyes open, and his eyelids appeared heavy.
7. At approximately 11:12 p.m., Investigators observed Mr. H [REDACTED] bump into a female patron as he exited the premises onto the patio. When Mr. H [REDACTED] returned to the premises at 11:21 p.m., Investigators observed him again bump into a group of people standing together and talking, thereby displacing a male patron from where he stood.
8. Investigators observed that Mr. H [REDACTED] staggered as he moved up to the bar, and he appeared to have trouble opening his eyes.
9. At approximately 11:22 p.m., Investigators observed Mr. H [REDACTED] order two shots of liquor from the female bartender on duty, Lauren David. Ms. David placed the alcoholic beverages on the bar in front of Mr. H [REDACTED], and Investigators observed him consume them.
10. At approximately 11:57 p.m., Investigators observed a female, Tori M [REDACTED], perform the Horizontal Gaze Nystagmus Test, a test commonly used by law enforcement to check an individual for field sobriety.
11. Investigators then observed a male patron provide a beer to Mr. H [REDACTED] while he was in sight of the bartender.
12. At approximately 12:00 p.m., Mr. H [REDACTED] exited the premises, followed by Investigators who observed him trip over a picnic bench.
13. Investigators, along with Agawam Police Officers Yvon and Salanski, approached the door man, identified themselves, and asked him to get the license manager.
14. While waiting for the arrival of the manager, Investigators asked the door man what is the capacity of the licensed premises. The door man replied 99 persons.
15. Investigators noted that the number of patrons appeared to be well over that number and asked the door man what was the current capacity. The door man stated currently there were 165 persons and while speaking to Investigators, he allowed another 2 persons to enter. Investigators informed the door man to not admit any more people.
16. A male exited the premises and identified himself to Investigators as Dean, a bartender and the on-duty manager.
17. Investigators identified Mr. H [REDACTED] to Dean and informed him that Mr. H [REDACTED] had been served after showing several signs of intoxication.
18. Tori Mercado, a friend of Mr. Heinbokel who accompanied him to the premises, stated to Investigators that she would drive him home. Ms. Mercado also stated that she asked Mr. Heinbokel not to be kicked out of the bar.
19. Shortly afterwards the owner, Rebecca Maslar, arrived at the premises.
20. Both Ms. Maslar and Dean agreed that Mr. Heinbokel appeared to be intoxicated.
21. Investigators advised Ms. Maslar of the violations and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

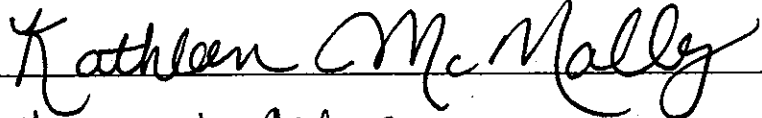
Based on the evidence, the Commission finds the licensee violated:

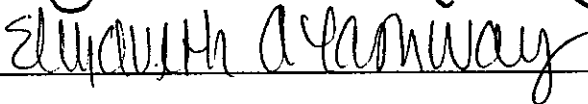
- 1) M.G.L. c. 138, §69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count).
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, To Wit: 780 CMR 121.1 Overcrowding.

On the first violation, c. 138, §69 the Commission suspends the license for four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

On the second violation, 780 CMR 121.1, the Commission suspends the license for seven (7) days of which three (3) days will be served and four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. The Licensee will serve a total of five (5) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Elizabeth Lashway, Commissioner 

Dated: May 11, 2015

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
Christopher Temple, Investigator
Dennis Keefe, Investigator
Steve Buoniconti, Esq. via facsimile 413-455-1594
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