

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

AMENDED NOTICE OF SUSPENSION

March 5, 2012

F & S RESTAURANT CORP DBA THE ENGLISH PUB
15 E. PLEASANT STREET
AMHERST, MA 01002
LICENSE#: 002400013
HEARD: 01/10/2012

After a hearing on January 10, 2012, the Commission finds F & S Restaurant Corp dba The English Pub in violation of Massachusetts General Laws c. 138, §34 (2 counts).

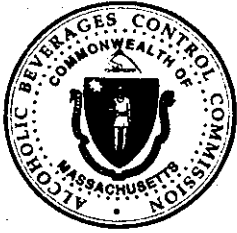
The Commission suspends the licensee's license for a total of three (3) days. The suspension shall commence on Friday, March 16, 2012 and terminate on Sunday, March 18, 2012. The license will be delivered to the Local Licensing Board or its designee on Friday, March 16, 2012 at 9:00 A.M. It will be returned to the licensee Monday, March 19, 2012.

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
Brad Doyle, Investigator
Administration
File



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Department of the State Treasurer
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NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman
January 23, 2012

F & S RESTAURANT CORP DBA THE ENGLISH PUB
15 E. PLEASANT STREET
AMHERST, MA 01002
LICENSE#: 002400013
HEARD: 01/10/2012

After a hearing on January 10, 2012, the Commission finds F & S Restaurant Corp dba The English Pub in violation of Massachusetts General Laws c. 138, §34 (2 counts).

The Commission suspends the licensee's license for a total of five (5) days. The suspension shall commence on Wednesday, March 14, 2012 and terminate on Sunday, March 18, 2012. The license will be delivered to the Local Licensing Board or its designee on Wednesday, March 14, 2012 at 9:00 A.M. It will be returned to the licensee Monday, March 19, 2012. No fine in lieu of suspension will be accepted for three (3) days of the suspension to be served.

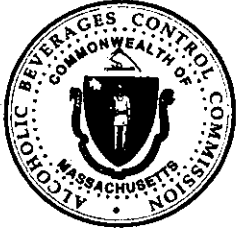
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
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DECISION

F & S RESTAURANT CORP DBA THE ENGLISH PUB
15 E. PLEASANT STREET
AMHERST, MA 01002
LICENSE#: 002400013
HEARD: 01/10/2012

F & S Restaurant Corp dba The English Pub (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, January 10, 2012, regarding an alleged violation of M.G.L. c. 138 §34 (2 counts) which occurred on April 7, 2011 according to Investigator Brad Doyle's Report.

The following documents and physical items are in evidence:

Commission Exhibits

1. R.M.V. Printout of License for Kathryn T. Quigley;
2. R.M.V. Printout of License for Elizabeth Mary Quigley;
3. Photocopy of Two (2) Licenses: Connecticut License for Deanna Eng and Massachusetts License for Kathryn T. Quigley; and
4. Investigator Doyle's Report dated April 7, 2011.

Licensee's Exhibits

- A. SPIFFY Coalition Rewards and Reminders notice dated May 2, 2011;
- B. News Article, "64 Taken Into Custody At Football Game" dated 10/27/2011;
- C. Printout from UMassAmherst University Health Services website on BASICS (Brief Alcohol Screening and Intervention for College Students);
- D. Printout from UMassAmherst Dean of Students Office website on Alcoholic Beverage Policy;
- E. Printout from UMassAmherst Student Affairs and Campus Life website on Special Commission on the Code of Student Conduct; and
- F. Envelope, approximately 6 ½" x 10", containing stack of confiscated fake licenses.

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

FACTS

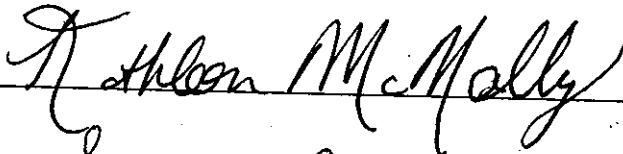
1. On Thursday, April 7, 2011, at approximately 11:00 p.m., Investigators Doyle, Keefe and Kenny, accompanied by the Amherst Police Department, investigated the business operation of F & S Restaurant Corp dba The English Pub to determine the manner in which their business was conducted.
2. The investigators entered the premises and observed several youthful looking individuals.
3. Investigators approached separate groups of people, identified themselves, and asked to see identification.
4. The information recorded indicated the individuals were under twenty-one (21) years of age.
5. Miss Eng was observed in possession of a Bud Light draft beer.
6. Miss Eng, date of birth July 19, 1990, age twenty (20), provided investigators with a Connecticut driver's license, in her name, with date of birth of July 19, 1989.
7. Investigators asked for a second form of identification.
8. Miss Eng stated the Connecticut driver's license in her name was a fake she had purchased on the internet.
9. Miss Eng stated she used the fake Connecticut license to gain entry into the premises.
10. Miss Elizabeth Quigley was observed in possession of a Bud Light draft beer.
11. Miss Elizabeth Quigley, date of birth August 28, 1990, age twenty (20), height five (5) feet and seven (7) inches, provided investigators with the Massachusetts driver's license of her sister, Kathryn Quigley, age twenty-three (23), height five (5) feet and four (4) inches.
12. The shape of the face and nose, and the height, on Kathryn Quigley's identification, differed from Miss Elizabeth Quigley.
13. Miss Elizabeth Quigley stated she used her sister's license to gain entry into the establishment.
14. Investigators spoke with the manager on duty, Aaron Jolly, and showed him the identification used for entry and the individuals.
15. Investigators informed Mr. Jolly of the violation, and that a report would be filed with the Chief Investigator for further action.
16. An administrative review of the files revealed that the licensee has had three (3) prior violations.
17. In August 1996, the licensee received a warning for a minor in possession of alcohol.
18. In January 2002, the licensee received a six (6) days suspension for a minor in possession of alcohol - two (2) counts. The licensee paid a fine in lieu of suspension for this violation.
19. In December 2010, the licensee received a four (4) days suspension for a minor in possession of alcohol. The licensee paid a fine in lieu of suspension for this violation.
20. Administrative review also indicates the licensee has had ownership of the license since 1968.

CONCLUSION

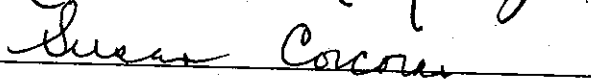
Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34 (2 counts). Therefore, the Commission **suspends the license for a period of fifteen (15) days of which five (5) days will be served and ten (10) days will be held in abeyance for a period of two (2) years, provided no further violations of Chapter 138 or Commission Regulations occur. No offer in compromise will be considered for three (3) days of the five (5) day suspension of this penalty.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: January 23, 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
Brad Doyle, Investigator
Administration
File