



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim L. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

June 22, 2016

MCMURPHY INC. D/B/A MCMURPHY'S UPTOWN TAVERN
37 NORTH PLEASANT STREET
AMHERST, MA 01002
LICENSE#: 002400079
VIOLATION DATE: 12/03/15
HEARD: 06/21/16

After a hearing on June 21, 2016, the Commission finds McMurphy Inc. d/b/a McMurphy's Uptown Tavern violated M.G.L. c. 138, §69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count).

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.

The suspension shall commence on Wednesday, August 10, 2016 and terminate on Thursday, August 11, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, August 10, 2016 at 9:00 A.M. It will be returned to the licensee Friday, August 12, 2016.

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 which must be signed by the Licensee and 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

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
J. Di Cicco, J. Kujawski, Investigators
Administration, File



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DECISION

MCMURPHY INC. D/B/A MCMURPHY'S UPTOWN TAVERN
37 NORTH PLEASANT STREET
AMHERST, MA 01002
LICENSE#: 002400079
VIOLATION DATE: 12/03/15
HEARD: 06/21/16

McMurphy Inc. d/b/a McMurphy's Uptown Tavern (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, June 21, 2016, regarding an alleged violation of M.G.L. c. 138, § 69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Report dated December 3, 2015; and
2. Licensee's Stipulation of Facts.

A. Licensee's Sign.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS


1. On Thursday, December 3, 2015, Investigators Di Cicco, Kujawaski and Keefe ("Investigators") investigated the business operation of McMurphy Inc. d/b/a McMurphy's Uptown Tavern to determine the manner in which their business was being conducted.
2. Investigators attention was drawn to four female patrons in the bar area. Investigators observed the females were extremely loud, they had difficulty walking straight, and swayed from side to side as they walked.

3. Investigators observed two of the females walk directly to the bar and observed one female, G. Alexander, lean against the bar for balance and drop her sweater on the floor.
4. Ms. Alexander ordered alcoholic beverages from the bartender on duty, Kelly Urquhart. Investigators observed Ms. Urquhart place the alcoholic beverages in front of Alexander, who gave payment for them.
5. While speaking with the four females, Investigators observed they were loud and had slurred speech, which based on their training and experience, are indications that all of the four female patrons were intoxicated.
6. Investigators identified themselves to a staff member and asked to speak to the manager on duty, Mark Cullen.
7. Investigators identified the four female individuals to Mr. Cullen and stated these patrons would need safe transport home.
8. The female patrons stated to Investigators that they were getting a ride home.
9. Investigators informed Mr. Cullen of the violation and that a report would be filed with the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 69 - Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore, 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.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: June 22, 2016

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.

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这份文件是重要的，应立即进行翻译。

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