



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 24, 2024

**THE SPOKE LLC D/B/A THE SPOKE
35 EAST PLEASANT STREET
AMHERST, MA 01002
LICENSE#: 03114-GP-0024
VIOLATION DATE: 12/9/2023
HEARD: 3/26/2024**

After a hearing on March 26, 2024, the Commission finds The Spoke LLC d/b/a The Spoke 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 a period of one (1) day to be served.**

The suspension shall be served on Monday, November 18, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, November 18, 2024, at 9:00 A.M. It will be returned to the licensee on November 19, 2024.

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

Jean M. Lorizio
Chairman

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Dokiman sa a enpòtan epi li ta dwe tradwi touswit
‘Đây là tài liệu quan trọng và cần được dịch ngay’
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2024-000006-ad-enf

cc: Local Licensing Board
Katherine McCormick, Associate General Counsel
Frederick G. Mahony, Chief Investigator
John David, Investigator
Brian Gould, Investigator
Nicole Terasconi, Investigator
Nicholas Velez, Investigator
Administration, File



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DECISION

**THE SPOKE LLC D/B/A THE SPOKE
35 EAST PLEASANT STREET
AMHERST, MA 01002
LICENSE#: 03114-GP-0024
VIOLATION DATE: 12/9/2023
HEARD: 3/26/2024**

The Spoke LLC d/b/a The Spoke (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, March 26, 2024, 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 facts alleged in Investigator David's report.

The following documents are in evidence:

1. Investigator David's Report;
2. ABCC Local Licensing Authority Review, Transfer of License Approved, 2/17/2017;
3. ABCC Decision, 1/5/2024;
4. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, December 8, 2023, at approximately 11:20 p.m., Investigators Terasconi and David ("Investigators"), in an undercover capacity, inspected The Spoke LLC d/b/a The Spoke to determine the way its business was being conducted.
2. At approximately 11:40 p.m., while outside the establishment, Investigators Gould and Velez ("Investigators") observed an unidentified female ("UF1") wearing a blue jacket and white pants who appeared to be intoxicated. She was observed stumbling into the exterior wall of the licensed premises as she walked into the licensed premises.
3. Investigators Terasconi and David observed UF1 enter the licensed premises. She swayed back and forth and was unsteady on her feet as she proceeded to the bar area. UF1 appeared withdrawn from conversation and was staring blankly at her phone and

around the premises. Investigators observed UF1 order a vodka cranberry mixed drink which was delivered by a male bartender at the front bar.

4. At approximately 12:00 a.m., Investigators attempted to speak to UF1 to further determine her level of intoxication. Investigator David complimented her jacket and without verbally responding, UF1 removed her jacket in an uncoordinated manner and place it on Investigator David before walking away.
5. Investigators observed UF1 had glassy eyes and had a blank stare. When Investigator David approached to return UF1's jacket, she appeared confused and said something unintelligible with slurred speech.
6. At this point, based on their training and experience, Investigators Terasconi and David determined UF1 was intoxicated.
7. Investigators continued to observe UF1 who placed her drink on a table in an area where no one else was dancing, got down on all four limbs, facing upwards. UF1 then thrust her limbs up and down in an apparent attempt to dance. Several individuals laughed at UF1 and one female individual danced over UF1. UF1 shifted her position and caused two females to fall to the ground. These actions took place in a direct line of sight of the front bar.
8. Investigators observed as UF1 appeared to look around for her drink and after being unable to find it, went back to the front bar and ordered a vodka and Red Bull which a male bartender delivered to her. UF1 paid for the alcoholic beverage with a credit card and walked away.
9. Undercover Investigators then contacted Investigators Gould and Velez to enter the establishment and speak to the manager.
10. Investigators Gould and Velez identified themselves to the manager on duty and advised him UF1 appeared to be intoxicated and had been served an alcoholic beverage. Security personnel arranged safe transport home for UF1.
11. Investigators Gould and Velez advised the manager on duty that a report would be filed with the Chief Investigator for further review.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017.

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). As a result, the Commission **suspends the license for a period of one (1) day.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner Crystal Matthews

Deborah Baglio, Commissioner Deborah Baglio

Dated: September 24, 2024

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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