

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

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman
February 8, 2012

CARLIN'S REST INC.
7 DEPOT SQUARE
AYER, MA 01432
LICENSE#: 006000002
HEARD: 02/07/2012

After a hearing on February 7, 2012, the Commission finds Carlin's Rest Inc. in violation of M.G.L. c. 138 §69 (1 count).

The Commission **suspends the licensee's license for a total of five (5) days. The suspension shall commence on Wednesday, March 21, 2012 and terminate on Sunday, March 25, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, March 21, 2012 at 9:00 A.M. It will be returned to the licensee Monday, March 26, 2012.

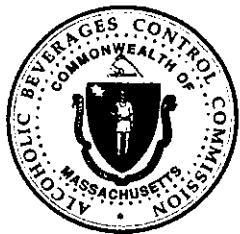
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

CARLIN'S REST INC.
7 DEPOT SQUARE
AYER, MA 01432
LICENSE#: 006000002
HEARD: 02/07/2012

Carlin's Rest Inc. (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, February 7, 2012, 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 Investigative Report.

The following documents and physical items are in evidence:

Commission Exhibits

1. Investigator Keefe's Report dated November 11, 2011; and
2. Licensee's Stipulation of Facts.

Licensee's Exhibits

- A. DVR of the Evening of the Incident, November 11, 2011; and
- B. Letter of Reprimand to the Bartender.

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

FACTS

1. On Friday, November 11, 2011, at approximately 11:10 p.m., Investigators Keefe, Bailey and Doyle, investigated the business operation of Carlin's Rest Inc. to determine the manner in which their business was conducted.
2. Investigator Keefe entered the premises and noticed a male individual who was staggering while walking from one side of the bar to the other.
3. Investigator Keefe observed the same male individual, later identified as Dave McCurley, date of birth August 7, 1983, walk to the bar.

4. Investigator Keefe proceeded within hearing distance of Mr. McCurley and observed he had slurred speech.
5. Investigator Keefe also observed Mr. McCurley had glassy eyes, and was swaying from side to side while standing at the bar.
6. At approximately 11:31 p.m., Investigator Keefe observed Mr. McCurley being served a draft beer from a female bartender, later identified as Alyson Abdonizio.
7. Investigator Keefe informed Investigator Bailey of the violation.
8. Investigator Keefe kept Mr. McCurley under observation.
9. At approximately 11:50 p.m. Mr. McCurley appeared to fall asleep on the chair located in a back portion of the bar.
10. A staff member approached Mr. McCurley to escort him off the premises.
11. Investigator Keefe identified himself, alerted fellow investigators Bailey and Doyle, and also alerted the Ayer Police.
12. Investigators and Ayer Police asked Mr. McCurley for identification.
13. Mr. McCurley had trouble remembering his address.
14. Mr. McCurley stated, "Sorry, I'm a little drunk."
15. Investigator Keefe spoke to the manager, Mr. David Berry, and escorted him over to Mr. McCurley to show Mr. Berry the state of intoxication of Mr. McCurley.
16. The manager was cooperative with the investigators, and assisted them in providing safe transportation home for Mr. McCurley.
17. Investigators informed the manager of the violation, and that a report would be filed with the Commission for further action.
18. In August 2011, the licensee violated c. 138 §34 and received a three (3) day suspension to be held in abeyance for two (2) years for failing a compliance check.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §69 (1 count). Therefore, the Commission **suspends the license for a period of 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.**

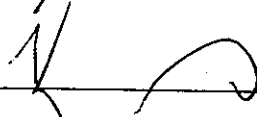
By decision dated November 15, 2011, the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the four (4) day suspension. The licensee will serve a total five (5) days to be served.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Kim S. Gainsboro, Chairman



Dated: February 8, 2012

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
Administration
File