



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

**Jean M. Lorizio, Esq.**  
Chair

**DECISION**

**C & D SHAMROCK INC. D/B/A THE 19<sup>TH</sup> HOLE  
11 BARNSTABLE ROAD  
HYANNIS, MA 02601  
LICENSE#: 00005-RS-0070  
VIOLATION DATE: 7/26/2019  
HEARD: 11/26/2019**

C & D Shamrock Inc. d/b/a The 19<sup>th</sup> Hole (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, November 26, 2019, regarding an alleged violation of M.G.L. Ch. 138 § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Quinn's Report.

The following documents are in evidence:

1. Investigator Quinn's Investigative Report;
2. Licensee Stipulation of Fact;
3. Copy of License Transfer Approval, 5/24/1996.

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

**FINDINGS OF FACT**

1. On Friday, July 26, 2019, at approximately 11:20 p.m., Investigators Gould and Quinn ("Investigators") conducted an investigation of the business operation of C & D Shamrock Inc. d/b/a The 19<sup>th</sup> Hole to determine the manner in which its business was being conducted.
2. At approximately 11:31 p.m., Investigators' attention was drawn to an unidentified female ("UF1") drinking a White Russian mixed drink. Investigators observed that the UF1's eyes were glassy and red; she was boisterous and speaking very loudly and her speech was slow and slurred.
3. Investigators observed UF1 walk to the jukebox where she appeared to have difficulty pressing the button. UF1 swayed while standing at the jukebox and appeared off-balance.

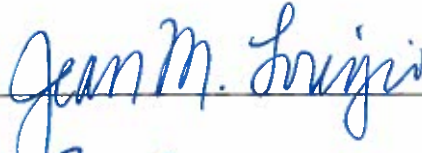
4. Investigators then observed UF1 exit the bar by the front door to smoke a cigarette. Investigators observed that Chris Doherty, the owner of the bar, was standing outside the front door with a clear view of UF1. Investigators observed UF1 stumble outside while in direct view of Doherty. UF1 then came back inside the premises and walked over to her friends at the bar.
5. At approximately 11:39 p.m., Investigators observed that the UF1's friends expressed concern over her wellbeing. Investigators observed that the UF1 appeared agitated and shouted at her friends, "leave me alone, leave, leave, leave! Bye!" UF1's speech was extremely slurred.
6. Based on their training and experience, Investigators formulated the opinion that UF1 was intoxicated.
7. At approximately 11:44 p.m., Investigators observed UF1 order a drink from a male bartender, Terry Mudie, and was served a bottle of beer.
8. Regarding the second count of the violation, at approximately 11:34 p.m., Investigators' attention was drawn to another unidentified female ("UF2") drinking a vodka and water. Investigators observed UF2 being served a vodka with water by a female bartender on duty, Courtney Diamond. Investigators observed that UF2's eyes were red and glassy, and her words were slurred.
9. At approximately 11:48 p.m., UF2 walked over to where Investigators were seated at the bar and yelled "let's get f\*\*\*ed up!" and then "do you want to get f\*\*\*ed up?!"
10. Based on their training and experience, Investigators formulated the opinion that UF2 was intoxicated.
11. At approximately 11:49 p.m., Investigators observed bartender Courtney serve UF2 a vodka mixed with water. UF2 then spilled some of her drink onto Investigator Quinn.
12. Investigators then informed both bartenders on duty, Jen and Nancy, that they need to shut off patrons who are intoxicated.
13. Investigators then spoke to the owner, Chris Doherty. They identified the intoxicated individuals, informed him of the violations, and that a report would be filed with the Chief Investigator for review.
14. The Licensee, Chris Doherty, appeared at the Commission hearing and testified that since this incident, all of his employees have been TIPS certified.
15. The Licensee has held a license under M.G.L. c. 138, § 12 since 1996 with no previous violations.

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (2 counts). Therefore, the Commission **suspends the license for two (2) days of which 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**

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: December 12, 2019

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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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Katelyn Quinn, Investigator  
Brian Gould, Investigator  
Nicholas Velez, Investigator  
Administration, File