

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

July 20, 2011

CONCEPTS RESTAURANTS, INC. DBA LIQUOR STORE
25 BOYLSTON PLACE
BOSTON, MA 02116
LICENSE#: 011600097
HEARD: 05/03/2011

After a hearing on May 3, 2011, the Commission finds Concepts Restaurant, Inc. dba Liquor Store in violation of Massachusetts General Laws c. 138, §69 (1 count).

The Commission **suspends the licensee's license for a total of four (4) days to be served**. The suspension shall commence on **Wednesday, September 7, 2011 and terminate on Saturday, September 10, 2011**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 7, 2011 at 9:00 A.M. It will be returned to the licensee Sunday, September 11, 2011.

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
Mark Kenny, Investigator
Administration
File



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

Steven Grossman
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DECISION

Kim J. Gainsboro, Esq.
Chairman

CONCEPTS RESTAURANTS, INC. DBA LIQUOR STORE
25 BOYLSTON PLACE
BOSTON, MA 02116
LICENSE#: 011600097
HEARD: 05/03/2011

Concepts Restaurant, Inc. dba Liquor Store (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, May 3, 2011, 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 Mark Kenny's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Mark Kenny's Report.

There is one (1) tape of this hearing

FACTS

1. On Saturday, January 1, 2011 at approximately 12:30 a.m., Investigators Kenny, Kujawski, Doyle and Bailey along with Chief Investigator Mahony investigated the business operations of Concept Restaurants Inc. dba Liquor Store.
2. Investigators observed a number of individuals who appeared to be extremely intoxicated.
3. These individuals were staggering as they attempted to walk through the premises and many of them were being held up by other individuals.
4. One male individual who was observed to be unsteady on his feet and was swaying as he stood at the bar.
5. He demonstrated slow and uncoordinated movements as he handled his wallet and money and had slurred speech.
6. At approximately 1:00 p.m., Investigators observed the individual and another male patron served two shots by the bartender.
7. Subsequent to this, the male ordered another alcoholic beverage and he was declined service by the same bartender.
8. Chief Mahony then approached the male and requested his identification.
9. The male stated that he was staying at a nearby hotel and that his friends would make sure he would arrive there safely.

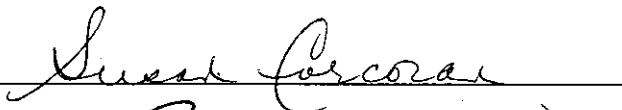
10. During the investigation, investigators also observed employees escorting intoxicated patrons out the emergency exit.
11. The manager stated they have a policy to assist patrons, through an adjacent bar down a corridor through the emergency exit, hail a cab.
12. The Investigators observed intoxicated patrons staggering, falling down and holding onto each other as well as the street after leaving through the emergency door.
13. They were escorted to the emergency exit door and released with no assistance or guidance from the licensee's employees, contrary to what the manager informed the Investigators.
14. The manager was informed of the violation and was also advised that placing obviously intoxicated individuals into an alley was unacceptable and that this practice should cease.

CONCLUSION

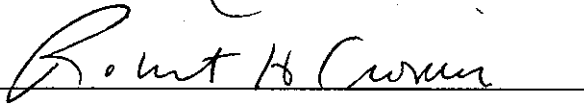
Based on the evidence, the commission finds the licensee violated M.G.L. Ch. 138 §69 (1 count). The Commission **suspends the licensee's license for a period of four (4) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Robert H. Cronin, Commissioner



Dated: July 20, 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
Mark Kenny, Investigator
Administration
File