

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

AMENDED
NOTICE OF SUSPENSION

April 15, 2014

CONCEPTS RESTAURANTS, INC. DBA LIQUOR STORE
25 BOYLSTON PLACE
BOSTON, MA 02116
LICENSE#: 011600097
VIOLATION DATE: 01/01/2014
HEARD: 04/01/2014

After a hearing on April 1, 2014, the Commission find Concepts Restaurants, Inc. dba Liquor Store in violation of c. 138 §69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). The Commission **suspends the licensee's license for a total of four (4) days to be served.**

A request by the licensee to reschedule the suspensions for a later date has been allowed by this Commission.

The suspension shall commence on Wednesday, April 23, 2014, and terminate on Saturday, April 26, 2014. The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 23, 2014 at 9:00 A.M. It will be returned to the licensee Sunday, April 27, 2014.

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
Nicholas Velez, Investigator
Jan Kujawski, Investigator
Mark Kenny, Investigator
David Eisenstedt, Esq. via facsimile 617-723-5370
Administration
File

3366 6137



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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

April 4, 2014

CONCEPTS RESTAURANTS, INC. DBA LIQUOR STORE
25 BOYLSTON PLACE
BOSTON, MA 02116
LICENSE#: 011600097
VIOLATION DATE: 01/01/2014
HEARD: 04/01/2014

After a hearing on April 1, 2014, the Commission find Concepts Restaurants, Inc. dba Liquor Store in violation of c. 138 §69-Sale or delivery of an alcoholic beverage to an intoxicated person (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, May 21, 2014, and terminate on Saturday, May 24, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 21, 2014 at 9:00 A.M. It will be returned to the licensee Sunday, May 25, 2014.

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
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Nicholas Velez, Investigator
Jan Kujawski, Investigator
Mark Kenny, Investigator
David Eisenstedt, Esq. via facsimile 617-723-5370
Administration
File

3366 6265

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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

CONCEPTS RESTAURANTS, INC. DBA LIQUOR STORE
25 BOYLSTON PLACE
BOSTON, MA 02116
LICENSE#: 011600097
VIOLATION DATE: 01/01/2014
HEARD: 04/01/2014

Concepts Restaurants, Inc. dba Liquor Store (the "Licensee" or "Concepts") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 1, 2014, 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 Velez's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Velez's Violation Report dated January 1, 2014.

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

FACTS

1. On Wednesday, January 1, 2014, at approximately 12:45 a. m., Investigators Kenny, Kujawski, and Velez conducted an investigation of the business operation of Concepts Restaurants, Inc. dba Liquor Store to determine the manner in which its business was being conducted.
2. At approximately 12:30 a. m., Investigator Velez observed a male individual, later identified as Kristopher Proule, who was swaying back and forth while he leaned on another male individual for support.
3. Investigator Velez observed Mr. Proule speaking to his friend with thick, slurred speech, and he had glassy, watery, and bloodshot red eyes.
4. During the conversation, Mr. Proule took an awkward step which left him unbalanced and caused him to stagger to regain his balance.
5. Investigator Velez observed Mr. Proule proceed with his friends to the bar. Mr. Proule was unsteady on his feet as he approached the bar.

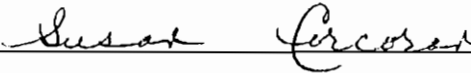
6. At approximately 12:36 a. m., Investigators Velez and Kujawski observed Mr. Proule leaning on the bar while standing next to his friend. His friend ordered four shots of Jamison whiskey. His friend said to Mr. Proule, "This shot is going to put you over the top."
7. Investigators noted that Mr. Proule was standing at the bar in direct sight of the bartender on duty.
8. Investigators observed the bartender on duty place four shots of Jamison whiskey on the bar in front of the friend who ordered it.
9. Investigators then observed Mr. Proule take possession of the shot and that he took the shot of whiskey directly in front of the bartender on duty.
10. Investigators spoke with Mr. Proule's friend, an unidentified male individual, who said that they were staying at a hotel in the area, and that they would be walking back to the hotel.
11. Investigators observed the staff escort Mr. Proule outside the premises.
12. Mr. Proule's friend took responsibility to ensure Mr. Proule's safe return to the hotel.
13. Investigator Velez spoke to the manager on duty, Josh Berry, and identified Mr. Proule to him.
14. Investigators informed Mr. Berry that a violation report would be submitted to the Chief Investigator for review.

CONCLUSION

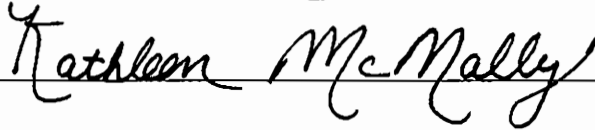
Based on the evidence, the Commission finds the licensee violated c. 138 §69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Therefore, the Commission **suspends the license for four (4) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: April 4, 2014

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
Nicholas Velez, Investigator
Jan Kujawski, Investigator
Mark Kenny, Investigator
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