

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

Deborah B. Goldberg
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman
May 11, 2015

GALWAY, INC. DBA THE HARP
85 CAUSEWAY STREET
BOSTON, MA 02114
LICENSE#: 011600638
VIOLATION DATE: 12/14/2014
HEARD: 04/14/2015

After a hearing on April 14, 2015, the Commission finds Galway, Inc. dba The Harp violated M.G.L. 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 three (3) days to be served. The suspension shall commence on Wednesday, June 24, 2015, and terminate on Friday, June 26, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 24, 2015 at 9:00 A.M. It will be returned to the licensee Saturday, June 27, 2015.

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
Nicholas Velez, Investigator
Mark Kenny, Investigator
Dennis Quilty, Esq. via facsimile 617-946-4624
Administration
File

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The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

GALWAY, INC. DBA THE HARP
85 CAUSEWAY STREET
BOSTON, MA 02114
LICENSE#: 011600638
VIOLATION DATE: 12/14/2014
HEARD: 04/14/2015

Galway, Inc. dba The Harp (the "Licensee") 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 14, 2015, regarding an alleged violation 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 violations alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report dated December 14, 2014; and
 2. Licensee's Stipulation of Facts.
- A. Licensee's Alcohol Service Policy and Security Training.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Sunday, December 14, 2014 at approximately 1:20 a. m., Investigators Guarino-Wilichoski ("Wilichoski"), Kenny, Carey, Bailey, Keefe and Velez (the "Investigators") along with Chief Investigator Mahoney, investigated the business operation of Galway, Inc. dba The Harp to determine the manner in which the business was being conducted.
2. Investigators entered the licensed premises and observed a male individual, Mark K [REDACTED] who appeared to be intoxicated. Investigators observed that Mr. K [REDACTED] was unsteady on his feet as he stumbled into the crowd. Minutes later when the lights came on, Investigators observed Mr. K [REDACTED] proceed to the upstairs level of the premises.
3. At approximately 1:34 a. m., Investigators observed Mr. K [REDACTED] as he stood with a group of friends, near the right rear corner of the bar, speaking with thick, slurred speech. Mr. K [REDACTED]'s eyes were red bloodshot, glassy and watery.

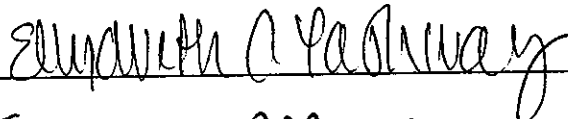
4. Investigators observed Mr. K [REDACTED] acting in an over-animated manner while he danced. He jumped onto a girl's back and she proceeded to carry him around the premises. An employee of the Licensee spoke to Mr. K [REDACTED] and asked him to get off his friend's back.
5. Mr. K [REDACTED] pounded Investigator Velez's hand with a closed fist while speaking in a thick, slurred speech. Investigator Velez observed that Mr. K [REDACTED] held onto the bar for balance.
6. Based on their training and experience, investigators formed the opinion that Mr. K [REDACTED] was intoxicated.
7. At approximately 1:40 a.m., Investigators observed Mr. K [REDACTED] order three drinks from the bartender on duty, Ally Donnelly. Investigators observed Ms. Donnelly deliver a mixed drink of Tanqueray gin and tonic water, and two tonic waters to Mr. K [REDACTED].
8. Investigators observed Mr. K [REDACTED] deliver the tonic waters to his friends, while he consumed the mixed drink.
9. Investigators spoke to Ms. Donnelly and identified Mr. K [REDACTED] to her. Ms. Donnelly stated that she noticed Mr. K [REDACTED] was intoxicated, but he said the Tanqueray gin and tonic water was for his girlfriend.
10. Investigators spoke to the license manager, James Roberts, and identified Mr. K [REDACTED] to him.
11. Investigators informed Mr. Roberts of the violation and that a report would be submitted to the Chief Investigator for further action.

CONCLUSION

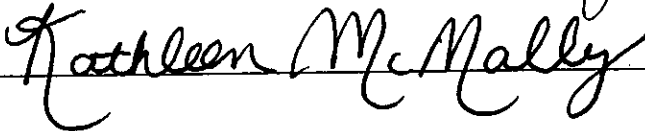
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, §69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count). Therefore the Commission **suspends the license for a period of six (6) days of which three (3) days will be served, and three (3) days will 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

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: May 11, 2015

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
Mark Kenny, Investigator
Dennis Quilty, Esq. via facsimile 617-946-4624
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