



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

GEORGE BEST, INC. DBA LIR
903 BOYLSTON ST.
BOSTON, MA 02110
LICENSE#: 011600121
HEARD 4/3/2012

George Best, Inc. dba Lir (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 3, 2012, regarding alleged violations of M.G.L. c. 138, §34 (2 Counts). Prior to the commencement of the hearing the licensee stipulated to the violation alleged in Investigator Paul Capurso's Investigative Report.

The following documents and physical items are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Doyle's Investigative Report dated December 3, 2011.

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

FACTS

1. On Sunday, December 11, 2011, at approximately 12:05 a. m., Investigators Rose Bailey, Brad Doyle, and Paul Capurso investigated the business operation of George Best, Inc. dba Lir to determine the manner in which their business was being conducted.
2. Investigators observed youthful looking patrons in possession of an alcoholic beverage in the downstairs bar area.
3. Investigators identified themselves to the youthful looking patrons, and asked to see proof of age
4. Two male patrons provided out of state licenses to Investigator Capurso.
5. Based on his training and experience, Investigator Capurso determined that these licenses were fake.
6. Investigators Bailey and Doyle were trying to obtain an ID from a female patron who was being uncooperative.
7. Investigator Capurso went over to assist the other investigators.
8. The two male patrons ran out of the licensed premises.
9. The night manager on duty, named Mr. Beckett, assisted the investigators to remove the uncooperative female patron from the premises.

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10. Accompanied by Mr. Beckett, investigators returned to the first floor of the licensed premises.
11. Investigator Bailey observed a female patron, later identified as Miss Brandy Sucharewicz, bent over as if ready to fall. Two (2) female friends assisted her to an upright position.
12. Investigator Bailey observed Miss Sucharewicz to be unsteady on her feet, swaying back and forth, holding onto the other females to maintain her balance, with her eyes half closed and speaking with a thick tongue.
13. Investigator Bailey observed Miss Sucharewicz pick up a full glass, later identified as containing cranberry [juice] and Jack Daniels, and drink from it.
14. Investigator Bailey informed the other investigators of her observations.
15. Investigator Capurso identified himself to Miss Sucharewicz and asked for her identification.
16. Investigator Capurso observed Miss Sucharewicz to be unsteady on her feet, with slurred speech and half closed eyes.
17. After multiple requests and with the persistence of the two (2) females accompanying her, Miss Sucharewicz provided a valid Massachusetts driver's license.
18. Manager Beckett observed the encounter and agreed that Miss Sucharewicz was intoxicated.
19. Mr. Beckett spoke to the bartender on duty, later identified as Miss Erin Kiley, who stated that she had served the intoxicated female.
20. Mr. Beckett informed investigators that he would provide safe transportation for Miss Sucharewicz.
21. Because investigators did not see the service of the alcoholic beverage to the intoxicated patron, they did not charge the licensee under c. 138 §69.
22. Investigators did, however, issue a verbal warning to the manager.
23. Investigator Capurso was later able to identify and interview the two (2) underage male patrons who had fled the licensed premises.
24. One male patron, identified as Mr. Andrew Acker, used a fake California driver's license with a date of birth of April 8, 1988, age twenty-three (23).
25. Mr. Acker's authentic Pennsylvania driver's license shows date of birth April 8, 1993, age eighteen (18), of 550 Heath Rd., Merion Station, PA.
26. Mr. Acker was observed in possession of a Corona beer.
27. The other male patron, later identified as Mr. William Tashman, used a fake Illinois driver's license with a date of birth of June 4, 1990, age twenty-one (21).
28. Mr. Tashman's authentic California driver's license shows date of birth June 4, 1991, age twenty (20) of 140 Encina Ave., Atherton, CA.
29. Mr. Tashman was observed in possession of a Blue Moon Ale.
30. Investigators informed Mr. Beckett of the violations, and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated of M.G.L. c. 138, §34 (2 Counts). Therefore, the Commission **suspends the license for eight (8) days of which eight (8) days will be held in abeyance for a period of one (1) year provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner *Susan Corcoran*

Kathleen McNally, Commissioner *Kathleen McNally*

Dated: April 5, 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
Paul Capurso, Investigator
Administration
File