

*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

January 3, 2012

**BOSTON IRISH RESTAURANT, LLC DBA MCFADDEN'S**  
**148 STATE STREET**  
**BOSTON, MA 02109**  
**LICENSE#: 011600067**  
**HEARD 12/13/2011**

After a hearing on December 13, 2011, the Commission finds Boston Irish Restaurant, LLC dba McFadden's in violation of 204 CMR 4.03 (1).

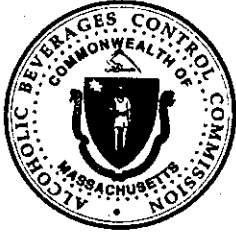
The Commission **suspends the licensee's license for a total of six (6) days to be served.** The suspension shall commence on **Wednesday, February 15, 2012 and terminate on Monday, February 20, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 15, 2012 at 9:00 A.M. It will be returned to the licensee Tuesday, February 21, 2012. No fine in lieu of suspension will be accepted for this six (6) day suspension.

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  
Dennis Keefe, Investigator  
Dennis Quilty, Esq. via facsimile  
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*

**BOSTON IRISH RESTAURANT, LLC DBA MCFADDEN'S**  
**148 STATE STREET**  
**BOSTON, MA 02109**  
**LICENSE#: 011600067**  
**HEARD 12/13/2011**

Boston Irish Restaurant, LLC dba McFadden's (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, December 13, 2011, regarding an alleged violation of 204 CMR 4.03 (1). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Dennis Keefe's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigative Report of Dennis Keefe dated June 16, 2011.

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

**FACTS**

1. On June 16, 2011, at approximately 9:21 p.m., Investigators Keefe, Bailey, and Kujawski investigated the business operation of Boston Irish Restaurant, LLC dba McFadden's to investigate an anonymous complaint filed with the Commission in regards to happy hour violation.
2. Investigators received information stating if one knew a person throwing a party in the establishment, and one stated the party host's name to the hostess of the establishment, one would receive a bracelet which entitled one to discounts on drinks between 9:00 p.m. and 11:00 p. m.
3. Investigator Keefe entered the establishment, at approximately 8:00 p.m., and ordered a Bud Light draft beer from a male bartender.
4. Investigator Keefe paid five (5) dollars and requested a receipt for the purchase.
5. The receipt for the purchase listed the amount paid, five (5) dollars, and the time of transaction as 8:07 p. m.
6. Investigator Keefe entered the bathroom and poured out the Bud Light Draft beer, placing the empty glass beneath the sink in the bathroom.
7. Investigator Keefe exited the licensed premises.
8. Investigator Keefe re-entered the licensed premises at approximately 9:15 p. m.

9. Investigator Keefe stated to the hostess that he was there to attend a party for Alexandra.
10. The hostess placed a purple bracelet on Investigator Keefe's wrist.
11. Investigator Keefe, wearing the purple bracelet in plain sight, ordered a Bud Light draft beer from a female bartender.
12. The female bartender handed the beer to Investigator Keefe and asked for three (3) dollars.
13. Investigator Keefe requested a receipt for the purchase.
14. The receipt for the purchase listed the amount paid, three (3) dollars, and the time of transaction as 9:21 p. m.
15. Investigator Keefe entered the bathroom and poured out the Bud Light Draft beer.
16. Investigator Keefe retrieved the glass he had left beneath the bathroom sink and compared the two glasses.
17. Investigator Keefe determined both glasses were approximately twelve (12) ounces.
18. Investigator Keefe exited the bathroom.
19. Investigator Keefe was approached by a female employee who asked if he would like to sign up for a party where he and his guests would be able to receive discounts on drinks.
20. Investigator Keefe declined the offer and exited the licensed premises.
21. Investigators Bailey and Kujawski entered the licensed premises and notified the Mr. Iannello, the manager on duty, of the violation.
22. The manager admitted the establishment was hosting the happy hour parties between 9:00 p. m. and 11:00 p. m.
23. The manager on duty stated the licensed premises contracted with Bling Marketing, a marketing company, for the happy hour parties.
24. Investigators requested information about the contract with the marketing company. This information was not received.
25. Investigators informed the manager on duty a violation report would be filed with the Chief Investigator for review.
26. Administrative review of the licensee's files indicates a prior violation in 2008.

### CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 4.03 (1). Therefore, the Commission **suspends the license for fourteen (14) days of which six (6) days will be served and eight (8) days to be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. No fine in lieu of suspension will be accepted for the six (6) day suspension to be served.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner *Susan Corcoran*

Kathleen McNally, Commissioner *Kathleen McNally*

Dated: January 3, 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  
Dennis Keefe, Investigator  
Dennis Quilty, Esq. via facsimile  
Administration  
File