



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

DECISION

**JJ DONOVAN INC.
27 CLINTON STREET
BOSTON, MA 02109
LICENSE#: 00591-RS-0116
VIOLATION DATE: 12/20/2019
HEARD: 9/15/2021**

JJ Donovan Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a remote hearing via Microsoft Teams on Wednesday, September 15, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 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 facts alleged in Investigator Keefe's report.

The following documents are in evidence:

1. Investigator Keefe's Report;
2. ABCC Form 43 License Approval, 12/17/1963;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, December 20, 2019, at approximately 11:25 p.m., Investigators Di Cicco and Keefe ("Investigators") inspected the business operation of JJ Donovan Inc. to determine the manner in which their business was being conducted. At the time of the violation, the bar had fewer than 14 patrons on the premises.
2. Investigator Keefe entered the licensed premises via the rear door and observed a group of individuals, one male and three females. His attention was drawn to one of the females, Unidentified Female #1 (UF #1), because of her slurred speech.
3. Investigator Keefe positioned himself approximately 8 feet away, with a direct and clear view of UF #1, to make further observations.
4. Investigator Keefe observed UF #1 swaying from side to side with uncoordinated movements and repeatedly closing her eyes for extended periods of time while also taking large gulps from a bottle of Miller Light beer.

5. At approximately 11:32 p.m., Investigator Keefe observed UF #1, with thick, slurred speech, ask the bartender, later identified as Paul McGowan, for a glass of water. She informed the bartender she was going to drink the water in one sip. The Investigator then heard her state she was going outside for a cigarette. While UF #1 was outside, another member of her party ordered 5 shots of Fireball Cinnamon whisky.
6. As UF #1 was returning from outside, the bartender placed the Fireball shots on the bar in the area where the group was standing. The Investigator heard UF #1 state, "Oh no. No more shots!" At approximately 11:37 p.m., Investigator Keefe observed her consume a shot of Fireball whisky. Prior to consuming the alcoholic beverage, she made a comment that this would be her fifth shot.
7. Investigator Keefe then observed an individual in the party attempt to give another shot of whisky to UF #1. A second individual stated, "Don't you dare!"
8. Investigator Di Cicco entered the licensed premises and joined Investigator Keefe in observing UF #1.
9. Investigators then identified themselves to UF #1. She continued to exhibit signs of intoxication as she spoke with Investigators. She stated she was drunk, that this was a yearly tradition she had with her friends, and she was not driving but walking back to a nearby hotel. Individuals in her party assured Investigators they would make sure UF #1 got back to the hotel safely.
10. Investigators identified themselves to the bartender, Mr. McGowan. They informed him of the violation and that a report would be filed with the Chief Investigator for further review.
11. Mr. McGowan appeared at the Commission hearing and testified that the Licensee has ensured all employees are now TIPS certified. In addition, he stated the Licensee and its employees have learned from this experience. Mr. McGowan testified the employees are paying closer attention to patrons who may be approaching intoxication and make sure they are not served.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 1963 with no previous violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 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 one (1) day which is hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner Cybil Matthews

Jean M. Lorizio, Chairman Jean M. Lorizio

Deborah A. Baglio, Commissioner Deborah A. Baglio

Dated: January 26, 2022

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.

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Dennis Keefe, Investigator
Administration, File