

*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**

**JOBBO INC. DBA THE QUENCHER TAVERN**  
**170A I ST.**  
**BOSTON, MA 02127**  
**LICENSE#: 011600473**  
**VIOLATION DATE: 03/16/2013**  
**HEARD: 05/28/2013**

Jobbo Inc. dba The Quencher Tavern (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, May 28, 2013, regarding an alleged violation of 204 CMR 2.05 (2), to wit: M.G.L. c. 148, §34A (a) (5) --Exceeding the Occupancy Limit Established by the Local Building Inspector Pursuant to Chapter 143. 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. Investigator Velez's Investigative Report dated March 16, 2013; and
2. Licensee's Stipulation of Facts.

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

**FACTS**

1. On Saturday, March 16, 2013, at approximately 9:45 p.m., Chief Investigator Mahony, Investigators Capurso, and Velez investigated the business operation of Jobbo Inc. dba The Quencher Tavern, to determine the manner in which their business was being conducted.
2. Investigators entered the premises and observed a large crowd confined within the premises.
3. Investigators conducted two separate counts which indicated there were approximately 95 people within the premises.
4. Investigators noted that it was difficult to move through the crowd and that the aisle was blocked which prevented individuals from accessing the emergency exits.
5. Investigators observed multiple individuals in the crowd who, in the opinion of the investigators, appeared to be visibly intoxicated.
6. Investigators spoke to the bartender on duty, later identified as Steve Connolly, and asked him if anyone was keeping a count of the number of individuals in the premises.
7. Mr. Connolly replied that no one was watching the door to keep track of the number of patrons coming and going.

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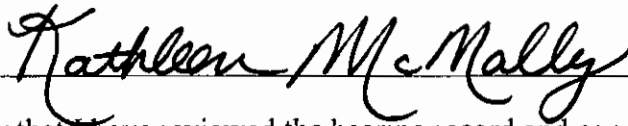
8. While investigators spoke to Mr. Connolly, they learned the premises had an occupancy capacity of 57 persons, and they were well over their limit.
9. Investigators informed Mr. Connolly that he should get control over the licensed premises immediately.
10. Investigators informed Mr. Connolly of the violation and that a report would be filed with the Chief Investigator for review.

### CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2), to wit: M.G.L. c. 148, §34A (a) (5) --Exceeding the Occupancy Limit Established by the Local Building Inspector Pursuant to Chapter 143. Therefore, the Commission **suspends the license for three (3) days of which 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

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Susan Corcoran, Commissioner



DATE: May 30, 2013

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  
Paul Capurso, Investigator  
Administration  
File