



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**LEINSTER GROUP INC. D/B/A SCHOLARS
25 SCHOOL STREET
BOSTON, MA 02108
LICENSE#: 00821-RS-0116
VIOLATION DATE: 3/18/2023
HEARD: 6/27/2023**

Leinster Group Inc. d/b/a Scholars (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, June 27, 2023, regarding an alleged violation of 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 Temple's report.

The following documents are in evidence:

1. Investigator Temple's Report;
2. ABCC Form 43, Transfer of License Approval, 4/14/2011;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

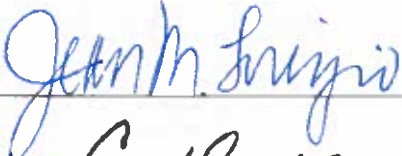
1. On Saturday, March 18, 2023, at approximately 5:00 p.m., Investigators Smith, Terasconi, Velez, and Temple ("Investigators") inspected Leinster Group Inc. d/b/a Scholars to determine the way its business was being conducted.
2. Investigators Terasconi and Smith entered the licensed premises in an undercover capacity.
3. Investigators observed an unidentified female ("UF") whose eyes were glassy, and half-closed at times. When UF spoke, Investigators observed her speech was slurred.
4. At approximately 5:32 p.m., Investigators observed UF stumble backwards several times, and she began swaying back and forth.
5. At approximately 5:34 p.m., Investigators observed UF's eyes were closed as she leaned on her friend in an apparent attempt to remain upright. Based on their training and experience, Investigators determined that UF was intoxicated.

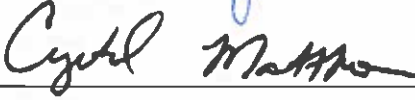
6. At approximately 5:38 p.m., Investigators observed UF stumble as she approached the bar. UF leaned on the bar for support, in direct view of the bartender.
7. At approximately 5:39 p.m., Investigators observed the bartender serve a High Noon Hard Seltzer to UF.
8. Investigators Terasconi and Smith notified Investigators Velez and Temple of the violation.
9. Investigators Velez and Temple entered the establishment and identified themselves to the manager, Meaghan Waters, and informed her of the Investigators' observations. Ms. Waters and her staff escorted UF off the premises.
10. Investigators informed Ms. Waters of the violation and that a report would be filed with the Chief Investigator for further review.
11. Oran McGonagle, Licensee, appeared at the Commission hearing along with Ms. Waters. Ms. Waters testified as to steps taken to prevent future violations which included re-certifying employees via TIPS training.
12. The Commission was informed that the Licensee has a written Alcohol Service Policy which all staff must review and sign upon hiring. The Licensee undertook measures to re-train staff and has held numerous meetings with staff after this incident.
13. The Licensee has held a license under M.G.L. c. 138, § 12 since 2011 with no previous violations.

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 issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman 

Crystal Matthews, Commissioner 

Deborah Baglio, Commissioner 

Dated: July 5, 2023

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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2023-000065-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Christopher Temple, Investigator
Nicole Smith, Investigator
Nicole Terasconi, Investigator
Nicholas Velez, Investigator
Andrew Upton, Esq.
Administration, File