

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

NOLAN ASSOCIATES LLC D/B/A THE LANDING
6 LONG WHARF
BOSTON, MA 02110
LICENSE#: 011601586
HEARD: 11/06/2012

Nolan Associates LLC dba The Landing (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, November 6, 2012, regarding an alleged violation of:

- 1) 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: c.138, §34C Possession of an alcoholic beverage by a person under 21 years of age (1 Count); and
- 2) 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 Temple's Report.

The following documents are in evidence as Exhibits:

1. Investigator Temple's Investigative Report dated July 13, 2012;
2. RMV Printout of Massachusetts Driver's License for Mr. Paul Szydowski; and
3. Licensee's Stipulation of Facts as to the violation of c.138, section 34C (1 Count).

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

FACTS

1. On Friday, July 13, 2012, at approximately 7:30 p.m., Investigators Capurso and Temple conducted an investigation of the business operation of Nolan Associates LLC d/b/a The Landing to determine the manner in which their business was being conducted.
2. Investigators observed a large crowd confined within the chains of the outdoor bar.
3. Investigators conducted two (2) separate counts which indicated over four hundred (400) people.
4. Investigators identified themselves to the doorman and asked to speak with the manger or owner.
5. Investigators asked the doorman if anyone was keeping count of the number of patrons.
6. The doorman stated that he was not keeping count.
7. Ms. Tena Reynolds approached the investigators and stated she was the manager.

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8. Ms. Reynolds stated that the capacity for the licensed premises was three hundred and forty-seven (347) persons.
9. Investigators asked Ms. Reynolds if any of the doormen at each of the four (4) egresses were keeping a count of the number of patrons.
10. The doorman stated that each doorman kept count for its own egress.
11. Investigators asked the doorman if they communicated with each other.
12. The doorman stated that they did not.
13. Investigators asked the doorman how they would know the number of people in the licensed premises if they did not communicate their counts to each other.
14. The doorman stated that they used their eyes.
15. Ms. Sanderson stated that she had no identification but she was twenty-three (23) years old, and that she frequented the licensed premises.
16. Investigators entered the licensed premises and observed a youthful looking male individual, standing near the bar, in possession of a bottle of Bud Light beer.
17. Investigators approached the youthful looking male individual and asked to see identification.
18. The male individual identified himself as Mr. Paul Szydowski, date of birth June 10, 1992, age twenty (20) years.
19. Mr. Szydowski stated he just walked into the licensed premises.
20. Investigators identified Mr. Szydowski to the manager, Ms. Reynolds.
21. Investigators informed Ms. Reynolds of the violations and that a report would be submitted to the Chief Investigator for further action.
22. Ms. Tena Reynolds, the manager of the premises, testified that on the night in question, there were four (4) staff/security personnel on duty, one individual stationed at each entrance.
23. There is also one staff member who walks around the premises to check for safety issues and overcrowding.
24. This premises is located on the waterfront and is completely outdoors. There is no interior to the premises. Ms. Reynolds testified that the premises, under law, must be accessible to all of the public and all individuals under the Waterfront Conservation Guidelines/Act.
25. Ms. Reynolds testified that the staff check the identification of each patron entering the premises.
26. The patrons who are older than age twenty-one (21) have their hand stamped, and must show the stamp to be served an alcoholic beverage.
27. At the Commission hearing, the Licensee stipulated to one count of a violation of c.138, section 34C, Possession of an alcoholic beverage by a person under 21 years of age.
28. Ms. Reynolds testified that security staff counted the number of patrons twice, and that their count indicated approximately two hundred and seventy-eight (278) persons.

CONCLUSION

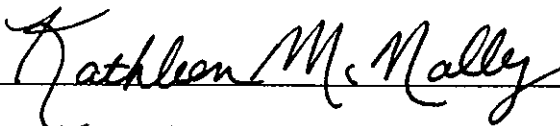
Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: c.138, §34C Possession of an alcoholic beverage by a person under 21 years of age (1 Count); and
- 2) M.G.L. c. 148, § 34A (a) (5) Exceeding the Occupancy Limit Established by the Local Building Inspector Pursuant to Chapter 143.

As the Licensee has been in business since 1997 with no previous violations, the Commission hereby issues a **WARNING** for each violation.

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: November 8, 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
Christopher Temple, Investigator
Dennis Quilty, Esq. via facsimile 617-946-4624
Administration
File