



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

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**OLD COLONIAL CORP. D/B/A BELL IN HAND**  
**45-55 UNION ST.**  
**BOSTON, MA 02108**  
**LICENSE#: 00781-RS-0116**  
**VIOLATION DATE: 12/14/2019**  
**HEARD: 9/15/2021**

Old Colonial Corp. d/b/a Bell in Hand (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "ABCC" or Commission") 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 (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts in Investigator Gould's report.

The following documents are in evidence:

1. Investigator Gould's Report;
2. ABCC Form 43 transfer application approval, 11/2/1982;
3. ABCC Decision, 5/3/2021;
4. ABCC Decision, 2/3/2016;
5. ABCC Decision, 5/16/2014;
6. ABCC Decision, 12/20/1994;
7. ABCC Decision, 5/12/1994;
8. Licensee's Stipulation of Facts.

A. Eventbrite Official Halloween Bar Crawl Information

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

### FINDINGS OF FACT

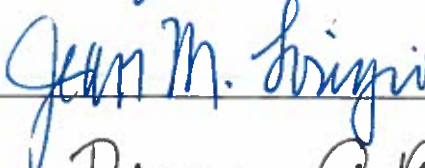
1. On Saturday, December 14, 2019, at approximately 7:45 p.m., Investigators Di Cicco, Kujawski, and Gould ("Investigators") inspected the business operation of Old Colonial Corp. d/b/a Bell in Hand to determine the manner in which its business was being conducted.
2. Investigator Gould entered the licensed premises and observed two individuals, one male and one female, who were standing on the right side of the bar. The male and female patrons were unsteady on their feet, both swaying from side to side as they stood and/or sat. Both patrons had glassy eyes. Investigator Gould observed the male patron leaning on the stool in front of him, blinking very slowly and staring off into the distance. The male and female patrons began kissing each other and dancing. Investigator Gould observed they were very unsteady on their feet as they danced, bumping into the stool behind them and almost falling over. Their groping of one another attracted the attention of other patrons.
3. The female patron was observed by Investigators speaking to the bartenders. Shortly thereafter, a bartender served another round of drinks to the male and female patrons.
4. Based on his observations, training and experience, Investigator Gould determined the male and female patrons were intoxicated. Investigator Gould contacted Investigators Di Cicco and Kujawski who shortly thereafter entered the licensed premises.
5. Investigators Di Cicco and Kujawski entered the establishment and spoke with the manager and the bartenders. Investigators identified the intoxicated patrons. The bartenders informed Investigators the drinks served to the male and female patrons were rum and Coke.
6. Investigators then spoke to the male and female patrons. They told Investigators they would take a ride share service home.
7. Investigators informed the bartenders and the manager of the violation and that a report would be filed with the Chief Investigator for further review.
8. Deborah Kessler, Manager of Record, appeared at the Commission hearing and testified as to changes made to policies and procedures to ensure patrons are not over-served.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 1982 with several 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 (2 counts). Therefore, the Commission **suspends the license for a period of four (4) days which are hereby deemed served.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Crystal Matthews, Commissioner 

Jean M. Lorizio, Chairman 

Deborah A. Baglio, Commissioner 

Dated: November 17, 2021

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  
Brian Gould, Investigator  
Joseph Di Cicco, Investigator  
Jan Kujawski, Investigator  
Patricia A. Malone, Esq.  
Administration, File