

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

February 3, 2016

OLD COLONIAL CORP. DBA BELL IN HAND
45 UNION STREET
BOSTON, MA 02114
LICENSE#: 011600781
VIOLATION DATE: 09/05/2015
HEARD: 02/02/2016

After a hearing on February 2, 2016, the Commission finds Old Colonial Corp. dba Bell In Hand violated M.G.L. c. 138, §69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count).

Based on the evidence, the Commission finds the Licensee violated of 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 four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

By decision dated May 16, 2014, the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations of occurred. Based on the violation found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) day suspension to be served. The Licensee will serve a total five (5) days.

The suspension shall commence on Wednesday, March 23, 2016, and terminate on Sunday, March 27, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, March 23, 2016 at 9:00 A.M. It will be returned to the licensee on Monday, March 28, 2016.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

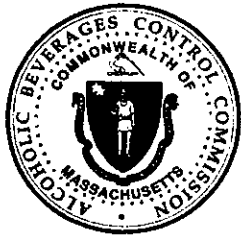
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Nicholas Velez, Investigator
Lisa Lordan, Investigator
Edward W. Krippendorf Jr. Esq. via facsimile 617-723-537
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

OLD COLONIAL CORP. DBA BELL IN HAND
45 UNION STREET
BOSTON, MA 02114
LICENSE#: 011600781
VIOLATION DATE: 09/05/2015
HEARD: 02/02/2016

Old Colonial Corp. dba Bell In Hand (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, February 2, 2016, 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 violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Violation Report dated September 11, 2015;
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Saturday, September 5, 2015, at approximately 12:50 a. m., Investigators Velez, Lordan, and Temple ("Investigators") conducted an investigation of the business operation of Old Colonial Corp. dba Bell In Hand to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and at the top of the stairs to the second floor observed a female who was missing a sandal on one foot and appeared to be using her friend to remain upright.
3. Investigators also observed the female had very slurred speech and glassy eyes. Based on their training and experience, Investigators determined the female was intoxicated.

4. Investigators approached the night manager, Mark McHugh, identified the intoxicated female, and warned him about serving intoxicated patrons.
5. Investigators identified themselves to the intoxicated female and her friends. Her friends assured Investigators that safe transportation home would be provided via Uber (a transportation service).
6. Investigators re-entered the licensed premises and observed an increase in staff activity.
7. Investigators observed several other intoxicated appearing individuals; however staff were quick to escort these individuals out of the premises.
8. Investigators attention was drawn to a female who appeared unsteady on her feet and who they observed stumble into a group of individuals.
9. Investigators observed a male individual, Stephen Pendleton, hand a drink to the intoxicated female.
10. Investigators observed Mr. Pendleton had glassy eyes and was leaning against the bar. Mr. Pendleton consumed a mixed drink at a rapid pace and then he ordered two bottles of Bud Light beer. Pendleton received the bottles and a receipt, which he moved toward him.
11. Mr. Pendleton grabbed his bottle of beer and passed the other bottle back to an unidentified individual behind him. When he apparently asked the bartender for his tab, Investigators observed the bartender point to the receipt in front of him.
12. Mr. Pendleton picked up the receipt and put it down again. Investigators observed Mr. Pendleton had trouble signing his name on the receipt, and took a long time to do so.
13. Investigators observed that Mr. Pendleton had difficulty putting his wallet in his back pocket as it took him several attempts to complete the task.
14. Investigators observed Mr. Pendleton had his eyes closed for an extended period while talking to another male individual.
15. Mr. Pendleton tapped the bar in an effort to gain the attention of the bartender on duty, Kristie. He then waived his hands towards his body, which he repeated.
16. Investigators observed that Kristie stopped and stared at Pendleton, and then brought over to him 4 bottles of Bud Light beer.
17. Investigators spoke to Mr. Pendleton who had very slurred speech. Mr. Pendleton's friend, Michael stated to Investigators that he would provide Mr. Pendleton with safe transport home.
18. Investigators informed Mr. McHugh of their concerns in regard to intoxicated patrons on the premises, and the importance of watching for overservice.
19. Investigators informed Mr. McHugh and his staff of the violation and that a report would be submitted to the Chief Investigator for review.

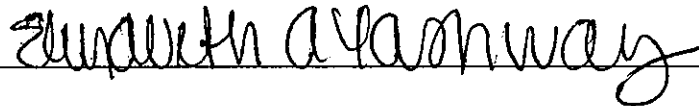
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated of 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 four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

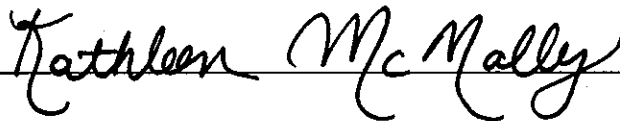
By decision dated May 16, 2014, the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations of occurred. Based on the violation found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) days suspension to be served. The Licensee will serve a total five (5) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: February 3, 2016

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Nicholas Velez, Lisa Lordan, Investigators
Edward W. Krippendorf Jr. Esq. via facsimile 617-723-537
Administration, File