

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

December 16, 2014

BREWSTER INN INC. DBA WOODSHED
1993 MAIN ST.
BREWSTER, MA 02631
LICENSE#: 013400005
VIOLATION DATE: 05/23/2014
HEARD: 12/10/2014

After a hearing on December 10, 2014, the Commission find Brewster Inn Inc. dba Woodshed in violation of M.G.L. Chapter 138, §69 - Sale and delivery of an alcoholic beverage to an intoxicated person (1 count).

The Commission **suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, February 4, 2015 and terminate on Sunday, February 8, 2015.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 4, 2015 at 9:00 A.M. It will be returned to the licensee on Monday, February 9, 2015.

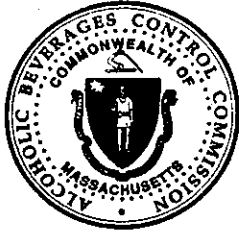
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

BREWSTER INN INC. DBA WOODSHED
1993 MAIN ST.
BREWSTER, MA 02631
LICENSE#: 013400005
VIOLATION DATE: 05/23/2014
HEARD: 12/10/2014

Brewster Inn Inc. dba Woodshed (the "Licensee") holds an alcohol beverage license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Wednesday, December 10, 2014, regarding the alleged violation of M.G.L. Chapter 138, §69 - Sale and 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 Velez's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Velez's Investigative Report dated May 23, 2014.

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

FACTS

1. On Friday, May 23, 2014 at approximately 10:15 p.m., Investigators Kenny. Binienda and Velez investigated the business operation of the above licensed premises to determine the manner in which its business was being conducted.
2. Investigator Velez's attention was drawn to a male individual who appeared intoxicated.
3. At approximately 10:21 p.m. Investigator Velez's attention was drawn to a male individual later identified as Kyle Slagen.
4. At approximately 10:22 p.m. Investigator Velez observed Mr. Slagen acting in an over animated manner as he was unsteady on his feet.
5. At approximately 10:25 p.m., Investigator Velez observed Mr. Slagen appear to hold onto the bar for balance. Investigator Velez observed Mr. Slagen while speaking to his friend to have a thick slurred speech. Mr. Slagen also had red bloodshot, glassy, watery eyes.
6. At approximately 10:26 p.m., Investigator Velez observed Mr. Slagen screaming with the music. At this point, the Investigators formulated the opinion that this individual was intoxicated.
7. At approximately 10:33 p.m., Investigator Velez observed the bartender, later identified as Michael Tobin, deliver a draft beer to Mr. Slagen. Both, Investigators Velez and Binienda observed Mr. Slagen consume the alcoholic beverage served to him.

8. Investigator Binienda then identified himself to Mr. Slagen and requested his identification. Investigator Binienda handed the identification to Investigator Velez. Mr. Slagen then ripped the identification from Investigator Velez's hands.
9. When speaking with Investigators, Mr. Slagen became very aggressive and argumentative.
10. Investigator Binienda called the Brewster Police Department to request assistance. Immediately, Brewster Police Officers Varley, Childs, and Sullivan arrived at the scene to assist the Investigators.
11. Once the Brewster Police officers arrived, Mr. Slagen became cooperative, and the officers provided safe transportation home for him.
12. Investigator Binienda spoke to the owner of the license later identified as Bob Ford. Investigator Binienda identified Mr. Slagen to Mr. Ford.
13. Mr. Ford stated to the Investigators that Mr. Slagen was drunk and that he had too much to drink.
14. Investigator Binienda informed Mr. Ford of the violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

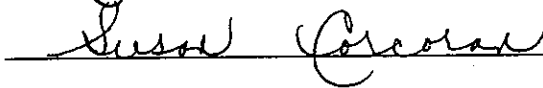
Based on the evidence, the Commission finds the licensee violated M.G.L. Chapter 138, §69 - Sale and delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore, the Commission **suspends the license for seven (7) days of which five (5) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: December 16, 2014

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
Jamie Binienda, Investigator
Administration
File