



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

**Jean M. Lorizio, Esq.**  
*Chair*

**NOTICE OF SUSPENSION**

December 10, 2019

**BREWSTER INN INC. D/B/A WOODSHED  
1993 MAIN ST.  
BREWSTER, MA 02631  
LICENSE#: 0134-RS-00005  
VIOLATION DATE: 7/18/2019  
HEARD: 11/12/2019**

After a hearing on November 12, 2019, the Commission finds Brewster Inn Inc. d/b/a Woodshed violated:

- 1) 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 (1 count);
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited.

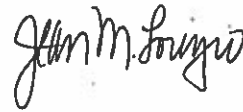
The Commission **suspends the license for a period of five (5) days of which three (3) days will be served, and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

**The suspension shall commence on Monday, January 27, 2020 and terminate on Wednesday, January 29, 2020.** The license will be delivered to the Local Licensing Board or its designee on Monday, January 27, 2020 at 9:00 a.m. It will be returned to the licensee on January 30, 2020.

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**



Jean M. Lorizio  
Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Jamie Binienda, Investigator  
Robert Gardner, Investigator  
Mail to: P.O. BOX 967  
Administration, File



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

**Jean M. Lorizio, Esq.**  
*Chair*

**DECISION**

**BREWSTER INN INC. D/B/A WOODSHED  
1993 MAIN ST.  
BREWSTER, MA 02631  
LICENSE#: 0134-RS-00005  
VIOLATION DATE: 7/18/2019  
HEARD: 11/12/2019**

Brewster Inn Inc. d/b/a Woodshed (the "Licensee" or "Woodshed") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, November 12, 2019, regarding alleged violations of:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G. L. Ch. 138 § 69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count);
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited.

Prior to the commencement of the hearing, the Licensee stipulated to the violations alleged in Investigator Binienda's Report.

The following documents are in evidence as exhibits:

1. Investigator Binienda's Investigative Report;
2. Licensee's Stipulation of Facts;
3. Copy of New License Application Approval, 1/16/1981;
4. Town of Brewster Occupancy Inspection Certificates (4);
5. ABCC Decision, 4/24/2000;
6. ABCC Decision, 10/16/2001;
7. ABCC Decision, 12/16/2014
8. ABCC Decision, 10/21/2015.

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

## FINDINGS OF FACT

1. On Thursday, July 18, 2019, at approximately 11:15 p.m., Investigators Gardner and Binienda ("Investigators") conducted an investigation of the business operation of Brewster Inn Inc. d/b/a Woodshed to determine the manner in which its business was being conducted. The bar was very well lit during the time the following observations were made.
2. At approximately 11:00 p.m., Investigators identified themselves to the doorman on duty and entered the licensed premises.
3. Investigators observed that the establishment to be extremely crowded and noticed that the doorman was not keeping a count of patrons entering and exiting.
4. Investigators then spoke to the owner, Bob Ford, and advised him that they would walk around the establishment.
5. Investigators conducted a visual count and observed approximately 180 patrons in the establishment. The occupancy permit for the premises is 128 persons.
6. Investigators' attention was drawn to a male patron, Dillion (last name unknown), standing in front of the bar area near the petition, who appeared to be intoxicated. Investigators observed that Dillion was drinking a draft beer. Shortly thereafter, he consumed a shot of an alcoholic beverage.
7. Investigators observed that Dillion had trouble standing and maintaining his balance. Dillion swayed as he stood in front of the bar and his eyes were half-closed and glassy. On several occasions Dillion appeared to stare blankly for a prolonged period of time. He also had trouble adjusting his attention while in conversation.
8. Investigators observed that Dillion was overly rowdy and loud with a group of male patrons. His speech was loud and unintelligible. Dillion could not stand without holding onto something to maintain his balance.
9. Shortly after, Investigators observed Dillion stumble as he walked from the petition to the bar. He had difficulty removing his wallet from his back pocket and leaned on the bar in an uncoordinated manner while holding onto the bar for balance.
10. Based on their training and experience, Investigators formulated the opinion that Dillion was intoxicated.
11. At approximately 11:35 p.m., Investigators observed Dillion and a friend speak to the bartender on duty, Joe Ford, and order another shot of Johnny Walker Scotch whisky. Investigators observed Ford deliver the shot to Dillion and his friend, placing it directly in front of Dillion. Dillion took possession of the shot and drank it.
12. Investigators identified themselves to the bartender, Joe Ford, advised him of the violation, sale or delivery of an alcoholic beverage to an intoxicated person, and identified Dillion. Ford stated that Dillion's friend had paid for the drinks. Investigator Binienda informed Mr. Ford that the charge is sale or delivery to an intoxicated person. Ford stated to Investigators, "I'm sorry for missing that, I shut him off and gave him water."

13. Investigators then advised the owner, Bob Ford, of the violation and that a report would be filed with the Chief Investigator for further action.
14. Ford stated that his staff did not count 180 patrons inside the establishment, but he did not state the number of patrons his staff had counted. Investigators advised Ford that they had meticulously walked from the back to the front of the premises and counted each patron.
15. Investigators waited outside the establishment with Dillion and his brother until their ride arrived to transport them safely home.
16. The Licensee has held a license under M.G.L. c. 138, § 12 by the same family since 1969 with four prior violations in 2000, 2001, 2014, 2015.

### 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: M.G.L. C. 138 § 69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count);
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited.

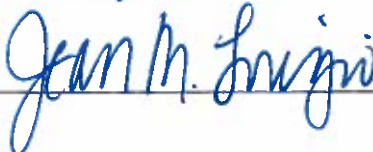
Therefore, the Commission **suspends the license for a period of five (5) days of which three (3) days will be served, and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Dated: December 10, 2019

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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