

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

DECISION

**JEH RESTAURANTS INC. D/B/A BARRETT'S ALEHOUSE
425 BEDFORD ST.
BRIDGEWATER, MA 02324
LICENSE#: 0136-00001
VIOLATION DATE: 12/15//2017
HEARD: 6/19/2018**

JEH Restaurants Inc. d/b/a Barrett's Alehouse (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, June 19, 2018, regarding alleged violation of M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Keefe's report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report; and
2. Licensee's Stipulation of Facts.
 - A. Licensee's Employee Handbook;
 - B. TIPS Certificates of Employees; and
 - C. Employee Warning Form.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Friday, December 15, 2017, at approximately 9:30 p.m., Investigators Di Cicco, Watson and Keefe ("Investigators") conducted an investigation of the business operation of JEH Restaurants Inc. d/b/a Barrett's Alehouse to determine the manner in which its business was being conducted.
2. Investigators' attention was drawn to a male individual, Adam Hamilton, who appeared to be intoxicated and who was in possession of Bud Light beer.
3. Investigators observed that Hamilton, carrying one bottle of Bud Light beer in each hand, swayed from side to side as he walked throughout the establishment. Hamilton spoke in a loud voice to those people immediately around him at the bar, using profanities and singing loudly to the music.

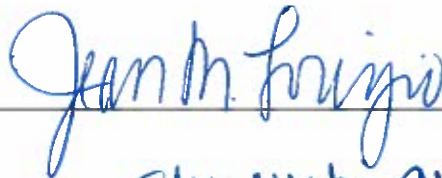
4. Investigators observed that Hamilton was drinking from both bottles of beer, taking long swigs from the bottle each time he drank.
5. Based on their training and experience, Investigators formed the opinion that Hamilton was intoxicated.
6. Investigators observed Hamilton having an argument with the female bartender on duty, Ginny Wise. Investigators overheard Wise stating that she would no longer serve Hamilton. Hamilton retorted that, "You don't have to, I'm not driving home." Wise responded, "You're my responsibility. You could go home and fall down the stairs. You could go home and kick your dog in the face." Hamilton replied, "Or I could just kick you in the face." Ms. Wise reiterated to Hamilton that he was shut off for the night.
7. At approximately 9:35 p.m., Investigators observed Wise place three shots of liquor directly in front of Hamilton and two unidentified female individuals. The shots were identified as "pistachio" which consisted of Amaretto liqueur and Bailey's liqueur.
8. Investigators identified themselves to the Ms. Wise. Wise stated that she had only shut off Hamilton from being served shots, not beer.
9. Investigators identified Hamilton to the manager, Tim Marques, who stated that he would ensure safe transport home for Hamilton.
10. Investigators informed Mr. Marques of the violation and that a report would be filed with the Chief Investigator for further review.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore, the **Commission suspends the license for three (3) days which 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

Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: June 28, 2018

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
Dennis Keefe, Investigator
Joseph Di Cicco, Investigator
Lisa Watson, Investigator
Shannon Resnick, Esq. via facsimile 508-697-8511
Administration, File