



*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**BENRICK CORP. D/B/A CHATHAM SQUIRE
489 MAIN ST.
CHATHAM, MA 02633
LICENSE#: 0198-00009
VIOLATION DATE: 05/12/2017
HEARD: 09/12/2017**

Benrick Corp. d/b/a Chatham Squire (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, September 12, 2017, 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 (1 Count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Binienda's report.

The following documents are in evidence:

1. Investigator Binienda's Investigative Report; and
 2. Licensee's Stipulation of Facts.
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- A. Licensee's Alcohol Service Policy; and
 - B. Doorman Job Description and Handbook.

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, May 12, 2017, at approximately 9:55 p.m., Investigators Kujawski and Binienda ("Investigators") conducted an investigation of the business operation of Benrick Corp. d/b/a Chatham Squire to determine the manner in which its business was being conducted.
2. Investigators entered the establishment and immediately observed three male individuals who appeared to be intoxicated. One individual, identified as John, was in possession of a gin and tonic.

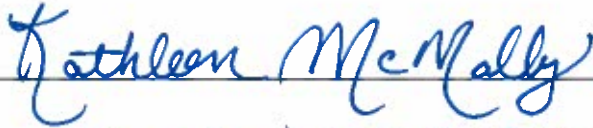
3. Investigators observed John's eyes were half-closed and that he was unsteady on his feet. John also has badly slurred speech with slow uncoordinated movements. Investigators observed John finish his drink and then approach the bar, swaying as he walked.
4. Based on their training and experience, Investigators determined that John was intoxicated.
5. Investigators observed John, with badly slurred speech, order a Bud Light beer and two more gin and tonics from the bartender on duty, Chris Matheson. Matheson deliver the alcoholic beverages to John and his two friends, Steve and Peter. Investigators then observed John took possession of a gin and tonic, and drank from it.
6. The three individuals drank the alcoholic beverages rather quickly and then exited the bar through the back door.
7. Investigators identified themselves to the supervisor of security, Bob Varney, and advised him that John, Steve, and Peter should not be driving. Mr. Varney exited the premises with the Investigators and found the three individuals in the back-parking lot.
8. Varney informed the three men that he would order an Uber [car service] to pick them up. Varney held onto the car keys and told them to pick up the truck in the morning. Investigators waited with Mr. Varney until Uber came and picked up the individuals.
9. Investigators also spoke with the bartender, Chris Matheson and advised him of the violation. Matheson stated that he had been watching the three men, [but] "you guys are right they were over served."
10. Investigators informed Mr. Varney of the violation and that a report would be filed with the Chief Investigator for further action.
11. Administrative review of the Commission file shows the Licensee has been in business more than 50 years with no prior violations.

CONCLUSION

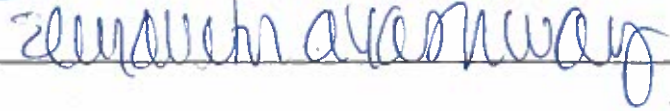
Based on the evidence, the Commission finds the Licensee violated of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Therefore, the Commission **suspends the license for a period of four (4) days of which four (4) 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



Elizabeth A. Lashway, Commissioner



Dated: September 13, 2017

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
Jamie Binienda Investigator
Jan Kujawski, Investigator
Administration, File