



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

April 8, 2013

WEST ST. BAR & GRILL, INC DBA MAXIMUM CAPACITY SPORTS BAR & GRILLE
116 SCHOOL ST
CHICOPEE, MA 01013
LICENSE#: 022000086
VIOLATION DATE: 12/15/2012
HEARD: 3/26/2013

After a hearing on March 26, 2013, the Commission finds West St. Bar & Grill, Inc. dba Maximum Capacity Sports Bar & Grille in violation of M.G.L. c. 138 §69 -Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count).

The Commission suspends the licensee's license for a total of seven (7) days to be served. The suspension shall commence on Wednesday, May 29, 2013 and terminate on Tuesday, June 4, 2013. The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 29, 2013 at 9:00 A.M. It will be returned to the licensee Wednesday, June 5, 2013.

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
Brad Doyle, Investigator
Administration
File

1767 1042

1



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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

WEST ST. BAR & GRILL, INC DBA MAXIMUM CAPACITY SPORTS BAR & GRILLE
116 SCHOOL ST
CHICOPEE, MA 01013
LICENSE#: 022000086
VIOLATION DATE: 12/15/2012
HEARD: 3/26/2013

West St. Bar & Grill, Inc. dba Maximum Capacity Sports Bar & Grille (the "Licensee") holds an alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 26, 2013, 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 detailed in Investigator Michael Teehan's Investigative Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report dated January 13, 2013; and
2. Licensee's Stipulation of Facts.

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

FACTS

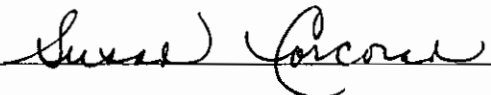
1. On Saturday, December 15, 2012, at approximately 10:20 p.m., Investigators Kenny and Teehan investigated the business operation of West St. Bar & Grill, Inc. dba Maximum Capacity Sports Bar & Grille to determine the manner in which their business was being conducted.
2. After entering the licensed premises Investigators observed an individual who appeared to be intoxicated.
3. This individual was later identified as Michael Dutton with a date of birth of 7/5/1987, (age 25).
4. Investigators observed Mr. Dutton enter the licensed premises at approximately 12:30 a.m. with two male individuals.
5. The three male individuals sat at the bar and were served a pitcher of beer and a shot from the female bartender on duty, who was later identified as Amanda.
6. Approximately three minutes later, Mr. Dutton was served another shot from the female waitress on duty.
7. Approximately 15 minutes he was served another shot and, a few minutes after that, was served another pitcher of beer from the bartender, Amanda.

8. Investigators observed that Mr. Dutton was staggering and unsteady on his feet, that his movements appeared to be slow, and his eyes were glassy.
9. His speech was slurred and at times his head was nodding up and down while he sat at the bar.
10. Based on their training and experience, investigators formulated the opinion that Mr. Dutton was intoxicated.
11. At approximately 1:10 a.m. Mr. Dutton was served another shot from the female waitress and was observed drinking it.
12. Mr. Dutton stated to investigators, "I'm not drunk but I am definitely buzzed."
13. Investigators identified themselves to the manager, later identified as Donald Robert, Jr.
14. Mr. Robert Jr. stated he would provide Mr. Dutton with safe transport to his residence.
15. Investigators informed Mr. Robert Jr. 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. 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 ten (10) days, of which seven (7) days will be served and three (3) 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

Susan Corcoran, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner 

DATE: April 8, 2013

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
Brad Doyle, Investigator
Administration
File