



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

**DECISION**

**DARTMOUTH CLUBS INC. D/B/A THE KINGS INN  
635 STATE ROAD  
DARTMOUTH, MA 02747  
LICENSE#: 0266-00031  
VIOLATION DATE: 4/21/2018  
HEARD: 6/26/2018**

Dartmouth Clubs Inc. d/b/a The Kings Inn (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 26, 2018, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138 § 23- Sale of Alcoholic Beverages other than those purchased from a licensee under § 18 or § 19 or from a holder of a special permit under § 22A. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report; and
2. Licensee's Stipulation of Facts.

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

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

**FINDINGS OF FACT**

1. On Saturday, April 21, 2018, Investigators Binienda and Velez ("Investigators") were conducting surveillance of a § 15 retail package store, Patson, Inc. d/b/a Town Liquors (license no. 0266-00048) located at 511 State Road in Dartmouth, MA.
2. At approximately 6:15 p.m. while outside of the retail package store, Investigators observed a black Toyota Corolla park in front of the store, saw a male individual exit the vehicle and enter the licensed premises.
3. At approximately 6:22 p.m., Investigators observed the male individual, carrying several cases of beer, load the alcoholic beverages into the rear of the vehicle. Investigators observed two other unidentified male individuals each wheeling a dolly loaded with several more cases of beer. They loaded the cases of beer into the vehicle. The unidentified male then got into the vehicle and drove away.

4. Investigators followed the Toyota Corolla to Dartmouth Clubs Inc. d/b/a The Kings Inn located at 635 State Road in Dartmouth, MA. They observed the unidentified male exit the vehicle and enter the licensed premises. Minutes later, the unidentified male exited the side of the building with two other male individuals and began to unload the alcohol from the vehicle and carry it into the licensed premises.
5. Investigators approached the vehicle where the unidentified male driver stated, "Carry this in and you'll get in for free." Investigators identified themselves and then entered the premises.
6. Investigators spoke to the manager, Stephen Barrera. Barrera stated that the evening before had been unexpectedly busy, more so than he expected it to be during the school vacation week.
7. Investigators took a picture of the printed receipt for alcoholic beverages purchased from the retail package store, and took the following alcohol into evidence:
  - (2) 24-packs Bud Light beer;
  - (2) 24-packs Budweiser beer;
  - (1) 1.75-liter bottle Ciroc Red Berry vodka;
  - (2) 24-packs Coors Light beer;
  - (2) 24-packs Corona Extra beer;
  - (2) 24-packs Heineken beer.
8. Investigators informed Mr. Barrera of the violation and that a report would be filed with the Chief Investigator for review.

#### 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. Ch. 138 § 23- Sale of Alcoholic Beverages other than those purchased from a licensee under § 18 or § 19 or from a holder of a special permit under § 22A. As the Licensee has been in business for over 30 years with no prior violations, the Commission issues a **WARNING**.

#### **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  
Nicholas Velez, Investigator  
Jamie Binienda, Investigator  
Jordan Rodrigues, Esq. via facsimile 508-676-9908  
Patrick Matthews, Esq. via facsimile 508-676-9908  
Administration, File