



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 17, 2013

RUM RUNNERS INC. DBA RUMRUNNER'S BAR & GRILL
243 LOWER COUNTY RD.
DENNIS, MA 02639
LICENSE#: 027800017
VIOLATION DATE: 08/26/2012
HEARD: 04/09/2013

After a hearing on April 9, 2013, the Commission finds Rum Runners Inc. dba Rumrunner's Bar & Grill in violation of Ch. 138 §69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (2 Counts).

The Commission suspends the licensee's license for a total of seven (7) days to be served. The suspension shall commence on Wednesday June 5, 2013 and terminate on Tuesday, June 11, 2013. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 5, 2013, at 9:00 A.M. It will be returned to the licensee Wednesday, June 12, 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
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Administration
File

1767 0991



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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainstoro, Esq.
Chairman

DECISION

RUM RUNNERS INC. DBA RUMRUNNER'S BAR & GRILL
243 LOWER COUNTY RD.
DENNIS, MA 02639
LICENSE#: 027800017
VIOLATION DATE: 08/26/2012
HEARD: 04/09/2013

Rum Runners Inc. dba Rumrunner's Bar & Grill (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, April 9, 2013, regarding an alleged violation of Ch. 138 §69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (2 Counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Velez's Report.

The following documents are in evidence as exhibits:

1. Investigator Velez's Investigative Report dated January 31, 2013; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Sunday, August 26, 2012, at approximately 12:15 a.m., Investigators Binienda and Velez investigated the business operation of Rum Runners Inc. dba Rumrunner's Bar & Grill to determine the manner in which their business was being conducted.
2. Investigators entered the premises and their attention was drawn to two male individuals who appeared intoxicated.
3. Investigators observed a male individual, later identified as Mike Hussey, stagger as he attempted to walk from one side of the establishment to the other side.
4. Investigators overheard Mr. Hussey speaking with badly slurred speech to an unidentified female patron.
5. Investigators observed Mr. Hussey proceed to the bar and order two shots of Grey Goose vodka and a Budweiser beer.
6. Investigators noted that the bartender appeared to not understand what Mr. Hussey ordered since they observed her holding up two different bottles of beer. Mr. Hussey pointed to the Budweiser bottle.
7. Investigators observed that Mr. Hussey had trouble maintaining his balance and, on two occasions, he grabbed the bar in an effort to regain his balance.

8. Based on their training and experience, investigators formulated the opinion that Mr. Hussey was intoxicated.
9. Investigators also observed another male individual, later identified as Bobby (last name unknown), walk in an uncoordinated manner to the bar and stand next to Mr. Hussey.
10. Investigators observed that Bobby appeared to hold onto the bar in order to maintain his balance.
11. Investigators observed that Bobby had red, bloodshot eyes, and that his eyes were at times half-closed.
12. Based on their training and experience, investigators formulated the opinion that Bobby (last name unknown) was intoxicated.
13. Investigators observed the bartender on duty, later identified as Lisa Dorsett, deliver to Mr. Hussey and Bobby each a shot of Grey Goose vodka.
14. Investigators then observed Mr. Hussey and Bobby consume the alcoholic beverages.
15. Investigator Binienda identified himself to Ms. Dorsett, and stated that Mr. Hussey and Bobby were clearly intoxicated. Investigator Binienda then identified Mr. Hussey and Bobby to her.
16. Ms. Dorsett stated, "I can see now that they are intoxicated."
17. Investigator Binienda informed Ms. Dorsett of the violation and that a report would be filed with the Chief Investigator for further action.
18. Investigator Binienda gave Ms. Dorsett his business card and advised her to have the owner contact him on Monday [August 27, 2012].
19. No one from the licensed premises contacted Investigator Binienda as he requested.
20. Investigators then observed Mr. Hussey seated on a bench on the outdoor patio.
21. Investigators asked Mr. Hussey how he was getting home.
22. Mr. Hussey stated that he was "staying two streets away, and that he was not driving."
23. At that time Bobby came over to Mr. Hussey and stated "we are drunk and should go."
24. Investigators asked them how they were getting home.
25. Mr. Hussey and Bobby stated that "they were not driving and as they lived nearby they would walk home."
26. Shortly after, investigators observed Mr. Hussey and Bobby exit the premises.
27. Investigators re-entered the licensed premises and spoke to a female waitress, later identified as Kasie Roy.
28. Ms. Roy showed investigators where the liquor license was located.
29. Investigators informed Ms. Roy that a violation report would be filed with the Chief Investigator for further review.


CONCLUSION

Based on the evidence, the Commission finds the licensee violated Ch. 138 §69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (2 Counts). Therefore, the Commission **suspends the license for 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

Kathleen McNally, Commissioner 

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

Susan Corcoran, Commissioner 

DATE: April 17, 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
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Administration
File