



***Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, Massachusetts 02114  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**COOGAN FAMILY INC. D/B/A WHARF PUB & RESTAURANT  
DOCK & MAIN STREETS  
EDGARTOWN, MA 02539  
LICENSE#: 0372-00004  
VIOLATION DATE: 6/23/2018  
HEARD: 10/02/2018**

Coogan Family Inc. d/b/a Wharf Pub & Restaurant (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, October 2, 2018, regarding alleged violations of:

- 1) 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);
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 20.1.5.6.4 (1) Failure to complete the Fire & Building Safety Checklist, as prescribed by the State Fire Marshal, on each day of operation prior to opening the facility to patrons.

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Keefe's Report.

The following document is in evidence:

1. Investigator Keefe'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 Friday, June 23, 2018, at approximately 11:20 p.m., Investigators Di Cicco and Keefe ("Investigators") investigated the business operation of Coogan Family Inc. d/b/a Wharf Pub & Restaurant to determine the manner in which its business was being conducted.
2. Investigators' attention was drawn to a male individual, Liam, who appeared to be intoxicated. Investigators were located at the front bar, which is right near the front entrance to the licensed premises.

3. Investigators observed Liam to be unsteady on his feet as he approached the entrance. Although there was no cover charge to enter the establishment, Investigators observed Liam take out U.S. Currency and attempt to hand it to the doorman. Liam had difficulty handling his cash, but he managed to put it into the doorman's hands.
4. Liam entered the establishment and walked directly past Investigators to the bar. As Investigators observed Liam whistling and yelling, they noted Liam's speech was slurred and that his eyes were glassy.
5. Investigators observed Liam approach the bar and order drinks from the male bartender on duty, Mike. Liam then put both of his arms in the air and pumped his fists in a fighting position.
6. Investigator Keefe observed Liam leaning heavily on the bar in order to support his weight.
7. Investigator Keefe moved to the right side of Liam where he observed Mike place alcoholic beverages, including a Heineken beer, in front of Liam. Liam took possession of the alcoholic beverages.
8. Mike stated to Liam that the cost of the drinks were \$23.50. Investigators observed that Liam attempted multiple times to pay for drinks with one five-dollar bill in U.S. Currency.
9. Moments later an individual, Nick, with whom Liam had been interacting, approached the bar. Investigators observed that Liam was directly behind Nick, in full view of the bartender, Mike.
10. Investigators observed Nick order alcoholic beverages. After ordering, Nick turned around to Liam and asked Liam what he was drinking. Nick looked at the bottle of Heineken beer in Liam's hand, and then Nick added a bottle of Heineken to his order. Investigators observed that Nick and Liam were in clear view of the bar staff.
11. Investigators observed Nick received the alcoholic beverages he had ordered and then Nick delivered a bottle of Heineken beer to Liam.
12. Investigator Keefe then went outside the establishment and contacted the Edgartown Police Department to inform them that Investigators were inside the licensed premise and they would be identifying an intoxicated male patron.
13. Investigators identified themselves to the bartender, Mike, and the manager on duty, Craig Mundt. Investigators informed Mundt of the violation and pointed Liam out to him.
14. Mr. Mundt stated that he would ensure safe transport home for Liam. Mundt informed Investigators that the surveillance camera in the area, where they had observed the violation, was functional.
15. Investigators then asked Mundt for the Fire Safety Checklist for the establishment, which Mundt could not produce.
16. Investigators informed Mundt of the violations and that a report would be submitted to the Chief Investigator for further review.
17. Investigator Keefe informed the Commission that the Licensee was very cooperative on the night of the incident.
18. The Licensee has been in business for 14 years without any violations.

### CONCLUSION

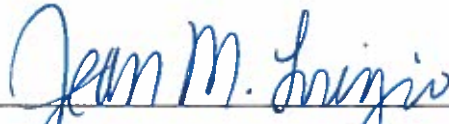
Based on the evidence, the Commission finds the Licensee violated:

- 1) 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);
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 20.1.5.6.4 (1) Failure to complete the Fire & Building Safety Checklist, as prescribed by the State Fire Marshal, on each day of operation prior to opening the facility to patrons.

Therefore, the Commission **suspends the license for one (1) day which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. This suspension held in abeyance to run concurrently with the one above.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: October 12, 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  
Geoghan Coogan, Esq.  
Mail to: P.O. BOX 1173, Edgartown 02539  
Administration, File