



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 17, 2024

**COOGAN FAMILY INC. D/B/A WHARF PUB & RESTAURANT
DOCK STREET & MAIN STREET
EDGARTOWN, MA 02539
LICENSE#: 00004-RS-0372
VIOLATION DATE: 7/06/2023
HEARD: 12/12/2023**

After a hearing on December 12, 2023, the Commission finds Coogan Family Inc. d/b/a Wharf Pub & Restaurant violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch. 138, § 34C – Possession of an alcoholic beverage by a person under 21 years of age (2 Counts).

The Commission suspends the license for a period of four (4) days of which three (3) days will be served and one (1) day will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.

The suspension shall commence on Monday, November 4, 2024, and terminate on Wednesday November 6, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, November 4, 2024, at 9:00 A.M. It will be returned to the licensee on November 7, 2024.

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 which must be signed by the Licensee and 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

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nick Velez, Investigator
Mark Kenny, Investigator
Sgt. W. Bishop, Edgartown Police Dept.
Det. C. Chandler, Edgartown Police Dept.
Mail to: Patrick Coogan, P.O. Box 1173 Edgartown, MA 02539
Geoghan E. Coogan, Esq.
Administration, File



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358

Jean M. Lorizio, Esq.
Chairman

DECISION

COOGAN FAMILY INC. D/B/A THE WHARF PUB & RESTAURANT
DOCK STREET & MAIN STREET
EDGARTOWN, MA 02539
LICENSE#: 00004-RS-0372
VIOLATION DATE: 7/06/2023
HEARD: 12/12/2023

Coogan Family Inc. d/b/a The Wharf Pub & Restaurant ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, December 12, 2023, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch. 138, § 34C – Possession of an alcoholic beverage by a person under 21 years of age (2 Counts). 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 Report;
2. ABCC Form 43, Transfer of License Approval, 10/15/2004;
3. ABCC Decision, 10/12/2018;
4. ABCC Decision, 11/9/2022;
5. Photograph of Imposter Florida Driver's License;
6. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday July 6, 2023, at approximately 11:55 p.m., Investigators Kenny and Velez ("Investigators"), along with Sergeant William Bishop and Detective Curtis Chandler of the Edgartown Police Department, inspected Coogan Family Inc. d/b/a Wharf Pub & Restaurant ("Licensee").
2. Investigators identified themselves to a youthful appearing female and requested proof of legal age to possess alcoholic beverages.

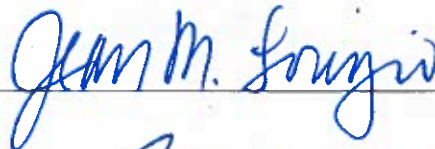
3. Underage #1, actual date of birth 8/07/2002 (age 20), was in possession of a High Noon Watermelon Hard Seltzer. She presented to Investigators an imposter Florida driver's license.
4. Investigators identified themselves to a youthful appearing male individual and requested he produce proof of legal age to possess alcoholic beverages.
5. Underage #2, actual date of birth 9/04/2003 (age 19), stated he was in possession of a vodka and soda mixed drink.
6. Investigators informed the night manager of the violations and that a report would be filed with the Chief Investigator for further action.
7. The Licensee has held a license under M.G.L. c. 138, § 12 since 2004, with two prior violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch. 138, § 34C – Possession of an alcoholic beverage by a person under 21 years of age (2 Counts). As a result, the Commission **suspends the license for a period of four (4) days of which three (3) days will be served and one (1) day will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

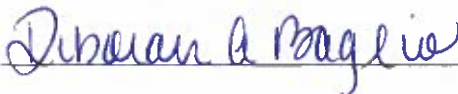
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: September 17, 2024

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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2023-000194-ad-enf

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