



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

November 9, 2022

**COOGAN FAMILY INC. D/B/A WHARF PUB & RESTAURANT
DOCK STREET & MAIN STREET
EDGARTOWN, MA 02539
LICENSE#: 00004-RS-0372
VIOLATION DATE: 8/12/2022
HEARD: 10/25/2022**

After a hearing on October 25, 2022, the Commission finds Coogan Family Inc. d/b/a Wharf Pub & Restaurant violated 204 CMR 2.05 Permitting an illegality, to wit: M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (2 Counts). The Commission **suspends the license for a period of two (2) days to be served.**

The suspension shall commence on Monday, January 9, 2023, and terminate on Tuesday, January 10, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, January 9, 2023, at 9:00 A.M. It will be returned to the licensee on Wednesday, January 11, 2023.

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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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicole Smith, Investigator
Sean Fleming, Investigator
Robert Gardner, Investigator
Nick Velez, Investigator
Geoghan E. Coogan, Esq.
Administration, File



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DECISION

**COOGAN FAMILY INC. D/B/A WHARF PUB & RESTAURANT
DOCK STREET & MAIN STREET
EDGARTOWN, MA 02539
LICENSE#: 00004-RS-0372
VIOLATION DATE: 8/12/2022
HEARD: 10/25/2022**

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 ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, October 25, 2022, regarding an alleged violation of 204 CMR 2.05 Permitting an illegality, to wit: M.G.L. c. 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 facts alleged in Investigator Smith's report.

The following documents are in evidence:

1. Investigator Smith's Report;
2. ABCC Form 43, Transfer of License approval, 10/15/2004;
3. ABCC Decision, 10/12/2018;
4. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, August 12, 2022, Investigators Fleming, Gardner, Velez, and Smith ("Investigators") inspected Coogan Family Inc. d/b/a Wharf Pub and Restaurant to determine the manner in which their business was being conducted.
2. At approximately 9:30 p.m., Investigators Fleming and Smith entered the licensed premises where their attention was drawn to an unidentified female wearing a white vest ("UF1") and another unidentified female wearing a black shirt ("UF2") who were loudly singing and dancing. Both women were in possession of what appeared to be alcoholic beverages. These two individuals were in the main bar area, in clear view of the bartender.

3. At approximately 9:57 p.m., UF1 and UF2 ordered shots of a brown colored alcoholic beverage from the bartender. Investigators observed UF1, UF2, and the bartender consume shots of alcoholic beverage.
4. Investigators observed that UF1 was unbalanced and seemed to lean on another patron for support. Investigators heard both UF1 and UF2 speaking to other patrons with thick, slurred speech.
5. At approximately 10:12 p.m., UF1 and UF2 ordered another shot of a brown colored alcoholic beverage from the same bartender. Investigators observed that the bartender was in close proximity to UF1 and UF2, talking with them before delivering the alcoholic beverages. Investigators observed UF1, UF2, and the bartender consume shots of alcoholic beverage.
6. At approximately 10:30 p.m., Investigator Gardner entered the licensed premises and joined Investigators Smith and Fleming.
7. At approximately 10:36 p.m., Investigator Smith heard UF1 say, "I can't do another shot, I'm drunk." Investigators observed UF1's speech was slurred, and her eyes were glassy and watery. UF1 appeared to sway back and forth while standing and her eyes were half closed. Investigators observed UF1 was unbalanced, and she leaned on the wall for support. Her hair was disheveled, and she struggled to put her hair in a ponytail. Another patron assisted her in putting her hair up.
8. At approximately 11:06 p.m., UF1 ordered a vodka soda and UF2 ordered a blueberry vodka soda with cranberry juice.
9. Investigators observed UF2 stumble as she attempted to sit on a bar stool. UF2 was singing loudly and danced in an uncoordinated fashion. Her eyes appeared glassy and watery, and she seemed to lean on a male patron for support.
10. UF1 and UF2 were in clear view of the bartender while dancing with uncoordinated movements and bumping into each other. UF1 was observed trying to clap but missed her hands several times.
11. Based on their training and experience, Investigators determined that UF1 and UF2 were intoxicated.
12. At approximately 11:37 p.m., UF2 ordered a blueberry vodka soda with cranberry juice and a shot of Fireball Whiskey. UF1 also ordered a shot of Fireball Whiskey. Investigators observed the bartender deliver the alcoholic beverages to UF1 and UF2.
13. Investigators then spoke with the manager on duty and informed him of the violation and that a report would be filed with the Chief Investigator for further review.
14. The Licensee has held a license under M.G.L. c. 138, § 12 since 2004 with one previous violation.

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 (2 Counts). Therefore, the Commission **suspends the license for a period of two (2) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah Baglio, Commissioner Deborah A. Baglio

Crystal Matthews, Commissioner Crystal Matthews

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

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: November 9, 2022

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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这份文件是重要的，应立即进行翻译。

2022-000153-ad-enf

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