

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

DECISION

**FALMOUTH PIER 37 BOATHOUSE LLC D/B/A PIER 37 BOATHOUSE
88 SCRANTON AVE
FALMOUTH, MA 02540
LICENSE#: 039000111
VIOLATION DATE: 08/18/2017
HEARD: 1/09/2018**

Falmouth Pier 37 Boathouse LLC d/b/a Pier 37 Boathouse (the "Licensee") holds an alcohol license (seasonal) issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, January 9, 2018, regarding an alleged violation of M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Temple's report.

The following documents are in evidence:

1. Investigator Temple'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, August 18, 2017, at approximately 11:00 p.m., Investigators Di Cicco and Temple ("Investigators") conducted an investigation of the business operation of Falmouth Pier 37 Boathouse LLC d/b/a Pier 37 Boathouse to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises where their attention was drawn to Andrew Knightly, in front of the side bar located to the right of the entrance.
3. Investigators observed that Knightly was unsteady on his feet and he swayed as he stood in line at the bar. Knightly then appeared to have difficulty standing and began to lean on the bar.
4. Investigators moved closer and saw Knightly had glassy and watery eyes and they heard that his speech was very slurred. Based on their observations, Investigators determined Knightly was intoxicated.

5. At approximately 11:10 p.m., Investigators observed Knightly purchase a bottle of Bud Light beer from the bartender, Joe Violette. Knightly paid for the beer with a credit card and Investigators observed he scribbled his signature.
6. Knightly then appeared confused about the bill and the bartender provided him with receipts showing that the bill had been paid. In an uncoordinated manner, Knightly threw a \$20 bill in U.S. Currency towards Violette. Violette handed the \$20 bill back to Knightly and attempted to serve the next customer.
7. Investigators then approached Knightly and Mr. Violette at the bar and identified themselves. Investigators asked Violette why he had served Knightly when Knightly was clearly intoxicated.
8. Knightly appeared confused and spoke to the Investigators but they could not understand what he said. Investigators informed Knightly that he appeared to be intoxicated and they wanted to make sure that he got home safely.
9. Investigators asked Violette to get the manager, Conor McLaughlin. Investigators identified Knightly to McLaughlin.
10. Mr. McLaughlin informed Investigators that Knightly had been Violette's roommate in college, and that Knightly was staying nearby with Violette and was, therefore, not driving.
11. Investigators stated Knightly was very intoxicated to which McLaughlin agreed. McLaughlin assured Investigators that he would make sure Knightly got home safely.
12. Investigators advised Mr. McLaughlin of the violation and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

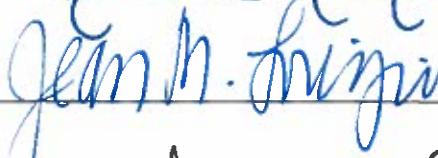
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore, the Commission **suspends the license for a period of four (4) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Dated: January 10, 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
Christopher Temple, Investigator
Joseph Di Cicco, Investigator
Administration, File