



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Telephone: (617) 727-3040
Fax: (617) 727-1510

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

December 6, 2018

PARADIGM INC. D/B/A THE BARN
ROUTE 28 MERRY MEADOW SHOPPING CENTER
MASHPEE, MA 02649
LICENSE#: 00024-PK-0670
VIOLATION DATE: 8/31/2018
HEARD: 12/04/2018

After a hearing on December 4, 2018, the Commission finds Paradigm Inc. d/b/a The Barn violated M.G.L. Ch. 138 § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count).

The Commission **suspends the license for a period of four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

The suspension shall commence on **Wednesday, January 30, 2019 and terminate on Thursday, January 31, 2019.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 30, 2019 at 9:00 A.M. It will be returned to the licensee on February 1, 2019.

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
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Thomas Souza, Esq. via facsimile 508-858-5502
Administration, File



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DECISION

**PARADIGM INC. D/B/A THE BARN
ROUTE 28 MERRY MEADOW SHOPPING CENTER
MASHPEE, MA 02649
LICENSE#: 00024-PK-0670
VIOLATION DATE: 8/31/2018
HEARD: 12/04/2018**

Paradigm Inc. d/b/a The Barn (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 4, 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 commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Velez's Report.

The following document is in evidence:

1. Investigator Velez'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 31, 2018, at approximately 8:30 p.m., Investigators Binienda and Velez ("Investigators") investigated the business operation of Paradigm Inc. d/b/a The Barn to determine the manner in which its business was being conducted.
2. Investigators conducted surveillance in the parking lot outside the licensed premises, positioned in front with a clear view of the entrance.
3. Investigators observed a late model Chevrolet pickup truck pull up in front of the premises with two unidentified male occupants within the vehicle. The passenger was later identified as Dan Eldredge.

4. Investigators observed Eldridge exit the vehicle in a slow and uncoordinated manner. His steps were lumbering, and he swayed from side to side as he shut the passenger door.
5. Investigators observed that Eldridge was swaying as he walked, and he held onto the door handle for an extended period of time in order to regain his balance. When he released the door handle, he grabbed onto the door frame of the second door to prevent himself from falling, due to his level of intoxication.
6. Investigators observed that Eldridge continued to sway from side to side as he walked around in front of the store.
7. Investigators entered the licensed premises and observed that Eldridge's eyes were red, bloodshot, watery, and glassy. A strong odor of alcohol emanated from his body.
8. Investigators observed Eldridge swaying as he grabbed the handle of the cooler and then grab a sleeve of Smirnoff Root Beer Nips.
9. Eldridge spoke to Investigators in thick and slurred speech, but his mumbling was unintelligible.
10. Investigators observed Eldridge stagger to the front counter and place the Smirnoff Root Beer Nips on the counter. Investigators heard Eldridge speak to the clerk on duty, Imran Ali, when he asked for cigarettes. Eldridge's speech was thick and badly slurred.
11. At this point, based on their training and experience, Investigators determined that Eldridge was intoxicated.
12. Investigators observed Mr. Ali sell the alcoholic beverages to Eldridge, who handed Ali U.S. Currency for the purchase.
13. After this transaction, Investigators approached Eldridge and identified themselves. Eldridge stated to Investigators that he had been drinking but that he was not driving.
14. Investigators then re-entered the premises and identified themselves to the store clerk, Imran Ali. Investigators identified Eldridge to Ali, and informed Ali that Eldridge was intoxicated.
15. Eldridge was provided safe transport home by his friend.
16. Investigators later spoke to the owner, Muhammad Shafique. Investigators informed Shafique 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 of which two (2) days will be served and two (2) 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

Elizabeth Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: December 6, 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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