



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 28, 2020

**DALY'S SPORTS BAR INC. D/B/A DALY'S PUB
165 MERRIMACK STREET
METHUEN, MA 01844
LICENSE#: 00026-GP-0696
VIOLATION DATE: 8/01/2019
HEARD: 2/25/2020**

After a hearing on February 25, 2020, the Commission finds Daly's Sports Bar Inc. d/b/a Daly's Pub violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under § 22A.

The Commission **SUSPENDS** the license for a period of three (3) days of which two (2) 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 occur.

The suspension shall commence on **Monday, April 13, 2020 and terminate on Tuesday, April 14, 2020**. The license will be delivered to the Local Licensing Board or its designee on Monday, April 13, 2020 at 9:00 A.M. It will be returned to the licensee on April 15, 2020.

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
Kyle E. Gill, Esq., Associate General Counsel
David Bolcome, Investigator
Joseph Di Cicco, Investigator
Administration, File



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Alcoholic Beverages Control Commission
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DECISION

**DALY'S SPORTS BAR INC. D/B/A DALY'S PUB
165 MERRIMACK STREET
METHUEN, MA 01844
LICENSE#: 00026-GP-0696
VIOLATION DATE: 8/01/2019
HEARD: 2/25/2020**

Daly's Sports Bar Inc. d/b/a Daly's Pub (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, February 25, 2020, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under § 22A. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Bolcome's Report.

The following documents are in evidence:

1. Investigator Bolcome's Investigative Report;
2. Licensee Stipulation of Fact;
3. Copy of Transfer Application Approval, 10/6/2010.

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

FINDINGS OF FACT

1. On Thursday, August 1, 2019, at approximately 4:15 p.m., Investigators Di Cicco and Bolcome ("Investigators") conducted an investigation of the business operation of Daly's Sports Bar Inc. d/b/a Daly's Pub and to investigate a complaint filed with this Commission.
2. When Investigators entered the licensed premises, they observed that there were no patrons inside and one bartender behind the bar. Investigators identified themselves to the bartender on duty, Bassem Youssef.
3. Investigators informed Mr. Youssef of the complaint that the Licensee was purchasing alcoholic beverages from package stores. Mr. Youssef admitted that he has been doing so.

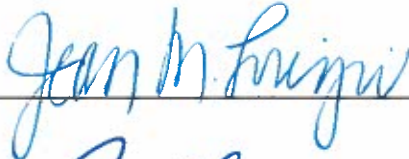
4. Investigator Di Cicco asked when was the last time that he purchased from a distributor. Mr. Youssef replied that it had been over a year. Mr. Youssef admitted that he has been purchasing his alcoholic inventory from Valley Liquors, a nearby § 12 retail package store in Methuen.
5. Mr. Youssef stated that he was unaware that purchasing his alcohol inventory from a source other than a distributor is a violation. Mr. Youssef stated that during a tax audit, the tax inspector informed Mr. Youssef that he could purchase his alcohol from a retail package store, so long as he kept the receipts. Mr. Youssef believed that this advice applied to liquor regulations.
6. Mr. Youssef stated that he believed his small sales volume would make it more expensive for him to purchase his alcohol inventory from a distributor rather than a package store.
7. Investigators went behind the bar and observed approximately 25 cases of beer and 15 bottles of liquor. Mr. Youssef indicated that all the alcohol was purchased from a retail package store.
8. Investigators informed Mr. Youssef of the violation and that a report would be filed with the Chief Investigator for further action.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2010 with no 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: M.G.L. c. 138, § 23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under § 22A. The Commission **SUSPENDS** the license for a period of three (3) days of which two (2) 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 occur.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: February 28, 2020

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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