



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**EGB ENTERPRISES, INC. D/B/A THE ROSE & CROWN
23 SOUTH WATER STREET
NANTUCKET, MA 02554
LICENSE#: 00167-RS-0762
VIOLATION DATE: 5/27/2022
HEARD: 11/15/2022**

EGB Enterprises, Inc. d/b/a The Rose & Crown (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, November 15, 2022, regarding an alleged violation of M.G.L. c. 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 Cutter's report.

The following documents are in evidence:

1. Investigator Cutter's Report;
 2. ABCC Form 43, Transfer of License Approval, 3/15/2005;
 3. Licensee's Stipulation of Facts.
- A. Photographs (2)

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

FINDINGS OF FACT

1. On Friday, May 27, 2022, at approximately 5:45 p.m., Investigators Fleming, Gardner, Velez, and Cutter ("Investigators") inspected EGB Enterprises, Inc. d/b/a The Rose & Crown to determine the manner in which its business was being conducted.
2. Inside the licensed premises Investigators observed a female patron ("Unknown Female" or "UF") whose eyes were bloodshot, glassy, and watery. UF had a dazed expression. Investigators observed UF as she seemingly leaned on a barstool to remain balanced.
3. Investigators observed UF as she made her way to the restroom and appeared to use the bodies of people standing along the bar to maintain her balance.
4. Based on their training and experience, Investigators determined that UF was intoxicated.

5. When UF returned to her seat at the bar, she appeared to begin crying as she conversed with another female. Investigators observed UF and the female hugging and leaning on each other.
6. At approximately 6:17 p.m., Investigators observed the bartender deliver a vodka cranberry mixed drink to UF.
7. Investigators Velez and Gardner entered the licensed premises, spoke to the manager about the observations of the Investigators, informed her of the violation, and that a report would be filed with the Chief Investigator for further review.
8. Debra Pitcock, Operating Manager for the Licensee, appeared at the Commission hearing and testified she is a TIPS Trainer and trains every member of the front of the house staff each year. She stated the Licensee has strong policies and procedures in place to ensure the establishment is a safe place. The Licensee utilizes a state-of-the art scanner to assist with examining identification. Ms. Pitcock testified she has trained all security staff to be aware of behavioral cues which would indicate intoxication. She stated she over-staffs when it comes to security and bar employees so they're able to pay attention to the crowd. A new policy regarding shift changes was implemented. Ms. Pitcock testified new bartenders reporting to work must be told about existing patrons and how long they have been on the premises.
9. Rick Ulmer, Licensee, also appeared at the Commission hearing. He too testified as to the procedural change at shift changes.
10. The Licensee has held a license under M.G.L. c. 138, § 12 since 2005 with no previous violations.

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 (1 Count). Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman 

Crystal Matthews, Commissioner 

Deborah Baglio, Commissioner 

Dated: March 29, 2023

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
Kyle E. Gill, Esq., Associate General Counsel
Alicia Cutter, Investigator
Sean Fleming, Investigator
Robert Gardner, Investigator
Nicholas Velez, Investigator
Dennis Quilty, Esq.
Administration, File