



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

May 27, 2015

THE GROG SHOP INC. DBA THE GROG
11-15 MIDDLE ST.
NEWBURYPORT, MA 01950
LICENSE#: 079600014
VIOLATION DATE: 12/20/2014
HEARD: 05/26/2015

After a hearing on May 26, 2015, the Commission finds The Grog Shop Inc. dba The Grog violated M.G.L. c. 138, §69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count).

The Commission suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, July 15, 2015, and terminate on Thursday, July 16, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 15, 2015 at 9:00 A.M. It will be returned to the licensee Friday, July 17, 2015.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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.

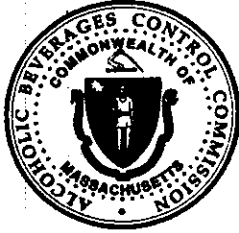
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Dennis Keefe, Investigator
Grace Connolly, Esq. via facsimile 978-463-8282
Administration
File

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Alcoholic Beverages Control Commission
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DECISION

THE GROG SHOP INC. DBA THE GROG
11-15 MIDDLE ST.
NEWBURYPORT, MA 01950
LICENSE#: 079600014
VIOLATION DATE: 12/20/2014
HEARD: 05/26/2015

The Grog Shop Inc. dba The Grog (the "Licensee") holds an alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 26, 2015, regarding the 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 violation alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report dated April 23, 2015;
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.

FACTS

1. On Saturday, December 20, 2014, at approximately 11:09 p.m., Investigators Keefe and Velez (the "Investigators") investigated the business operation of The Grog Shop Inc. dba The Grog to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed a male individual, Eric H. [REDACTED] who appeared to be intoxicated.
3. Investigators observed Mr. H. [REDACTED] in line at the bar, waiting to be served by the bartender on duty. Investigators observed that Mr. H. [REDACTED] had red bloodshot, glassy, and watery eyes with a dazed stare. They heard Mr. H. [REDACTED] speaking with thick slurred speech to a female individual.
4. Investigators observed Mr. H. [REDACTED] purchase a draft beer and other unknown alcoholic beverages.
5. Investigators again heard Mr. [REDACTED] speaking with slurred speech.
6. Investigators observed Mr. H. [REDACTED] sway from side to side as he approached the bar once more. Mr. H. [REDACTED] held onto the service station railing at the bar for balance. Mr. H. [REDACTED] also placed his arm on the railing and rested his head on his arm.

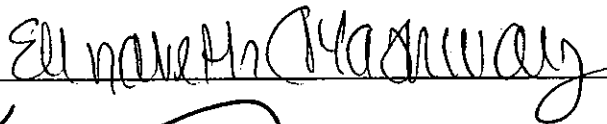
7. Investigators observed Mr. H[REDACTED]'s arm continuously fell off the railing and he repeatedly put his arm back on the railing for support.
8. Based on their training and experience, Investigators formed the opinion that Mr. H[REDACTED] was intoxicated.
9. Investigators observed the bartender on duty deliver a draft beer and a glass of water to Mr. H[REDACTED], and that Mr. H[REDACTED] consumed the alcoholic beverage.
10. Investigators observed Mr. H[REDACTED] fumble with his money as he placed it in his shirt pocket. When Mr. H[REDACTED] attempted to grab his beer but instead his hand landed in the glass of water.
11. Investigators spoke to the security person, Eli Rohner and identified Mr. H[REDACTED] to him.
12. Mr. Rohmer stated that he noticed that Mr. H[REDACTED] was intoxicated.
13. Mr. Rohmer escorted Mr. H[REDACTED] to a table and called a cab to provide him with safe transport home.
14. Investigators spoke to the license manager, Nicole Nichelmann. Ms. Nichelmann stated that she noticed Mr. Harrison was intoxicated.
15. Investigators advised Ms. Nichelmann of the violation and that a report would be submitted to the Chief Investigator for further action.

CONCLUSION

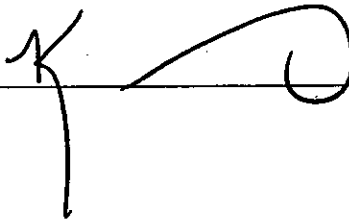
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138 §69 – Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count). Therefore, the Commission **suspends the license for four (4) days of which two (2) days will be served and two (2) days will be held in 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



Kim S. Gainsboro, Chairman



Dated: May 27, 2015

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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Dennis Keefe, Investigator
Grace Connolly, Esq. via facsimile 978-463-8282
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