



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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**ZINGARA, LTD. DBA PACKARD'S**  
**14 MASONIC ST.**  
**NORTHAMPTON, MA 01060**  
**LICENSE#: 090000026**  
**VIOLATION DATE: 12/20/2013**  
**HEARD: 04/29/2014**

Zingara, Ltd. dba Packard's (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 29, 2014, regarding an alleged violation of 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 Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Violation Report dated December 20, 2013; and
2. Licensee's Stipulation of Facts.
  - A. Licensee's Memo to Staff dated December 23, 2013;
  - B. Licensee's Memo to Bartenders dated April 3, 2014;
  - C. Letter dated April 27, 2014 from Bartender Anna Dunleavy;
  - D. Licensee's Letter to Commission dated April 28, 2014;
  - E. Licensee's Door/Barbook Manual.

There is one (1) audio recording of this hearing, and one (1) witness testified.

**FACTS**

1. On Friday, December 20, 2013, at approximately 1:15 a. m., Investigator Keefe conducted an investigation of the business operation of Zingara, Ltd. dba Packard's to determine the manner in which its business was being conducted.
2. Investigator Keefe entered the licensed premises and observed a male individual, Jeremy Right, who appeared to be intoxicated.
3. Investigator Keefe observed Mr. Right bump into the half-wall between the bar and the table area while in plain view of the bartender on duty. Investigator Keefe observed Mr. Right swaying from side to side as he walked.
4. Mr. Right also had difficulty walking down the steps from the second floor. This took place in direct view of the doorman seated at the entrance to the bar, to whom Mr. Right spoke.
5. At approximately 1:05 a. m., Investigator Keefe observed Mr. Right stagger up to the bar area, hug the female bartender on duty, Jocelyn Brick, and have a conversation.

6. At approximately 1:10 a. m., Investigators Temple and Velez entered the licensed premises.
7. At approximately 1:15 a. m., investigators observed Mr. Right stumble up to the service area which was on the far right of the bar. Investigators observed Mr. Right in conversation with a female bartender on duty, Anna Donleavy, and that Mr. Right had badly slurred speech.
8. Investigators observed that Ms. Donleavy place two shots of tequila on the service area directly in front of Mr. Right. They then observed Ms. Donleavy and Mr. Right consume the shots of tequila.
9. Investigators continued to make observations of the establishment. Based on their training and experience, investigators formulated the opinion that Mr. Right was intoxicated.
10. At approximately 1:35 a. m., investigators observed that Mr. Right had car keys in his hand, and contacted Chief Investigator Mahony, who entered the licensed premises.
11. Chief Mahony proceeded to locate the manager on duty or person in charge.
12. Investigators continued to observe Mr. Right to make sure that he did not leave the premises.
13. At approximately 1:40 a. m., investigators observed Mr. Right knock over a beer, then drop a personal object, and hit his head on the bottom of the stairs.
14. Chief Mahony spoke to Ms. Donleavy who was the person in charge at the licensed premises that evening.
15. Chief Mahony advised Ms. Donleavy of the violation and that a report would be submitted for further action.
16. Ms. Donleavy stated to investigators that Mr. Right was a personal friend and that she would provide him with safe transport home.

#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated 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 four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

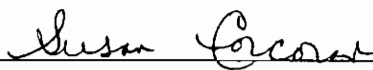
#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Susan Corcoran, Commissioner



Dated: May 14, 2014

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  
Dennis Keefe, Investigator  
Christopher Temple, Investigator  
Nick Velez, Investigator  
Administration  
File