

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

Steven Grossman
Treasurer and Receiver General

AMENDED
NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman
January 8, 2013

T P PANACY, LLC DBA BASS & BLUES SANDBAR & GRILLE
6 CIRCUIT AVE. EXT.
OAK BLUFFS, MA 02557
LICENSE#: 091800056
VIOLATION DATE: 08/17/2012
HEARD: 12/11/2012

After a hearing on December 11, 2012, the Commission finds T P Panacy, LLC dba Bass & Blues Sandbar & Grille in violation of 204 CMR 2.05 (2), to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (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, June 5, 2013 and terminate on Thursday, June 6, 2013. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 5, 2013, 2013 at 9:00 A.M. It will be returned to the licensee on Friday, June 7, 2013.

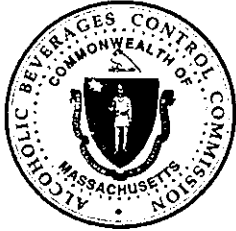
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Paul Capurso, Investigator
Michael L. Mahoney, Esq. via Facsimile 617-338-9225
Administration
File



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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

December 12, 2012

T P PANACY, LLC DBA BASS & BLUES SANDBAR & GRILLE
6 CIRCUIT AVE. EXT.
OAK BLUFFS, MA 02557
LICENSE#: 091800056
VIOLATION DATE: 08/17/2012
HEARD: 12/11/2012

After a hearing on December 11, 2012, the Commission finds T P Panacy, LLC dba Bass & Blues Sandbar & Grille in violation of 204 CMR 2.05 (2), to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (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, January 30, 2013 and terminate on Thursday, January 31, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 30, 2013 at 9:00 A.M. It will be returned to the licensee on Friday, February 1, 2013.

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.

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ALCOHOLIC BEVERAGES CONTROL COMMISSION

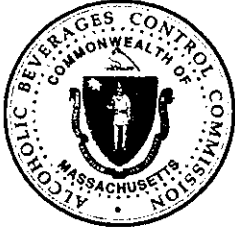
Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator

Michael L. Mahoney, Esq. via Facsimile 617-338-9225
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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

T P PANACY, LLC DBA BASS & BLUES SANDBAR & GRILLE
6 CIRCUIT AVE. EXT.
OAK BLUFFS, MA 02557
LICENSE#: 091800056
VIOLATION DATE: 08/17/2012
HEARD: 12/11/2012

T P Panacy, LLC dba Bass & Blues Sandbar & Grille (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, December 11, 2012, regarding an alleged violation of 204 CMR 2.05 (2), to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (1 Count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report dated August 17, 2012;
 2. Licensee's Stipulation of Facts; and
 3. New Jersey Driver's License for N. Stanley.
- A. Statement dated August 17, 2012 of April Greene, Manager;
 - B. Licensee's ServSafe Alcohol Training

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

FACTS

1. On Friday, August 17, 2012, at approximately 12:05 a.m., Investigators Keefe, Kujawski, and Temple, along with a Sergeant from the Oak Bluffs Police Department, conducted an investigation of T P Panacy, LLC dba Bass & Blues Sandbar & Grille, to determine the manner in which their business was being conducted.
2. Investigators observed a group of youthful looking individuals seated at a table to the right of the entrance.
3. Investigators approached a female individual, later identified as Divinity Gaines, who was in possession of a Long Island iced tea.
4. Ms. Gaines presented a New Jersey Driver's License in the name of Nicole Stanley, date of birth September 5, 1986, age twenty-five (25) years.
5. Investigators observed that the individual before them had different facial features than the person pictured on the New Jersey license.

6. Ms. Gaines provided her true information: date of birth October 6, 1992, age nineteen (19) years.
7. Investigators asked to speak with the manger on duty or the owner.
8. April Greene approached investigators and stated the manager and owners were not on the premises but that she was the key holder for the manager.
9. Investigators informed Ms. Greene of the violation.
10. A safe means of transportation was provided for Ms. Gaines.
11. During this time Investigator Keefe inspected the bar area.
12. Investigator Keefe observed a male individual, later identified as Eric M. Nunez, pay for and receive an alcoholic beverage.
13. As Mr. Nunez walked past, Investigator Keefe observed that he was unsteady on his feet and could hear his slurred speech.
14. Investigator Keefe observed Mr. Nunez sit down next to an unidentified male with whom he proceeded to engage in horse play.
15. Investigator Keefe observed that during this horse play, the unidentified male began to vomit.
16. The staff escorted the unidentified male off the premises at which point the Oak Bluffs police officer made contact with him and arranged for safe transport home.
17. Investigators observed Mr. Nunez sat at the bar.
18. Investigators informed the staff of Mr. Nunez's intoxication, and escorted him out of the premises with the assistance of the staff.
19. Investigators arranged for safe transport home for Mr. Nunez.
20. Investigators issued a warning to Ms. Greene regarding service to intoxicated patrons.
21. Investigators informed her 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 of 204 CMR 2.05 (2), to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (1 Count). Therefore, the Commission **suspends the license for four (4) days of which two (2) day 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

Kathleen McNally, Commissioner *Kathleen McNally*

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

Kim S. Gainsboro, Chairman *Kim S. Gainsboro*

DATE: December 12, 2012

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

Michael L. Mahoney, Esq. via Facsimile 617-338-9225
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