



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

June 16, 2026

**VILLAGE TAVERN SALEM, INC. D/B/A VILLAGE TAVERN
100 MUSEUM PLACE MALL 100
SALEM, MA 01970
LICENSE#: 00041-RS-1064
VIOLATION DATE: 12/14/2024
HEARD: 3/18/2025**

After a hearing on March 18, 2025, the Commission finds Village Tavern Salem, Inc. d/b/a Village Tavern violated M.G.L. Ch.138 § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count).

The Commission **suspends the license for a period of one (1) day to be served.**

The suspension shall be served on Monday, August 3, 2026. The license will be delivered to the Local Licensing Board or its designee on Monday, August 3, 2026, at 9:00 A.M. It will be returned to the Licensee on August 4, 2026.

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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2025-000005-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
David McDonough, Investigator
Nicole [Terasconi] Montalto, Investigator
David Bolcome, Investigator
Christopher Temple, Investigator
John P. Connell, Esq.
Tyler Henseler, Esq.
Administration, File



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DECISION

**VILLAGE TAVERN SALEM, INC. D/B/A VILLAGE TAVERN
100 MUSEUM PLACE MALL 100
SALEM, MA 01970
LICENSE#: 00041-RS-1064
VIOLATION DATE: 12/14/2024
HEARD: 3/18/2025**

Village Tavern Salem, Inc. d/b/a Village Tavern ("Village Tavern" or "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a hearing on Tuesday, March 18, 2025, regarding an alleged violation of M.G.L. Ch.138 § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count) which occurred on December 14, 2024, according to Investigator McDonough's Report.

The following documents are in evidence:

1. Investigative Report of D. McDonough;
2. ABCC Form 43, Transfer of License Approval, 6/18/2012.

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

FINDINGS OF FACT

1. On Friday, December 13, 2024, Investigators Terasconi and McDonough ("Investigators") inspected the business operation of Village Tavern Salem, Inc. d/b/a Village Tavern. (Testimony, Exhibit 1)
2. At approximately 11:15 p.m., Investigators entered the licensed premises and positioned themselves at the bar in the front room where they remained for approximately one hour. Their attention was drawn to an unidentified female patron ("UF") who was showing signs of intoxication. (Testimony)
3. Investigators observed UF's eyes were red and glassy, her speech was slurred and she had an unsteady gait. Investigators made these observations of UF while she was in the direct line of sight of multiple bartenders. Id.
4. At approximately 11:30 p.m., UF hugged and attempted to speak with Investigator Terasconi. Investigator Terasconi observed UF's speech was slurred and slow. UF offered

Investigator Terasconi a sip of her beverage which she said was a “vodka cran.” This interaction occurred in the direct line of sight of bartenders. Id.

5. At approximately 11:45 p.m., UF was again observed to be unsteady on her feet causing her to bump into patrons while losing her balance, in the direct line of sight of the bartenders. Id.
6. At approximately 12:02 a.m., UF returned to Investigators at the bar and offered to do a shot with Investigator Terasconi, which the Investigator declined. At this time, based on their training and experience, Investigators determined UF was intoxicated. Id.
7. UF then ordered a shot. The alcoholic beverage was delivered to UF by a bartender. Id.
8. Investigators Temple and Bolcome entered the licensed premises and informed Alex Ingemi of the violation and that a report would be filed with the Chief Investigator for further review. Id.
9. Mr. Ingemi, Licensee, and Robert Lebel, General Manager, appeared at the Commission hearing. (Commission Records)
10. The Licensee has held a license under M.G.L. c. 138, § 12 since 2012 with no prior violations. (Testimony, Exhibit 2)

DISCUSSION

The Licensee is charged with service to an intoxicated person in violation of M.G.L. c. 138, § 69. “No alcoholic beverage shall be sold or delivered on any premises licensed under this chapter to an intoxicated person.” M.G.L. c. 138, § 69. “[A] tavern keeper does not owe a duty to refuse to serve liquor to an intoxicated patron unless the tavern keeper knows or reasonably should have known that the patron is intoxicated.” Vickowski v. Polish Am. Citizens Club of Deerfield, Inc., 422 Mass. 606, 609 (1996) (quoting Cimino v. Milford Keg, Inc., 385 Mass. 323, 327 (1982)). “The negligence lies in serving alcohol to a person who already is showing discernible signs of intoxication.” Id. at 610; see McGuiggan v. New England Tel. & Tel. Co., 398 Mass. 152, 161 (1986).

To substantiate a violation of M.G.L. c. 138, § 69, there must be proof of the following elements: (1) that an individual was in or on the licensed premises; (2) that an employee of the licensed premises knew or reasonably should have known that the individual was intoxicated; and (3) that after the employee knew or reasonably should have known the individual was intoxicated, the employee sold or delivered an alcoholic beverage to the intoxicated individual. See Vickowski, 422 Mass. at 609. “The imposition of liability on a commercial establishment for the service of alcohol to an intoxicated person ..., often has turned, in large part, on evidence of obvious intoxication at the time a patron was served.” Id.

The Commission’s decision must be based on substantial evidence. See Embers of Salisbury, Inc. v. Alcoholic Beverages Control Comm’n, 401 Mass. 526, 528 (1988). “Substantial evidence” is “such evidence as a reasonable mind might accept as adequate to support a conclusion.” Id. Evidence from which a rational mind might draw the desired inference is not enough. See Blue Cross and Blue Shield of Mass. Inc. v. Comm’r of Ins., 420 Mass. 707 (1995). Disbelief of any

particular evidence does not constitute substantial evidence to the contrary. New Boston Garden Corp. v. Bd. of Assessor of Boston, 383 Mass. 456, 467 (1981).

To find a violation of M.G.L. c. 138, § 69 evidence must exist that “the patron in question was exhibiting outward signs of intoxication by the time he was served his last alcoholic drink.” Rivera v. Club Caravan, Inc., 77 Mass. App. Ct. 17, 20 (2010); see Vickowski, 422 Mass. at 610 (“The negligence lies in serving alcohol to a person who already is showing discernible signs of intoxication”).

The Commission must determine whether substantial evidence exists to find that the Licensee, its staff or employees, sold or delivered alcoholic beverages to an intoxicated person in violation of M.G.L. c. 138, §69. Here, Investigators McDonough and Terasconi were inside the licensed premises when they observed and directly interacted with a female patron who was exhibiting signs of intoxication while in direct view of licensee employees. Investigators made the determination that the patron was intoxicated and after that determination was made, an employee served her an alcoholic beverage. (Testimony)

The law is well-settled that it is the responsibility of the licensee to exercise sufficiently close supervision so that there is compliance with the law on the premises. A vendor who sells alcohol is “bound at his own peril to keep within the condition of his license.” Commonwealth v. Gould, 158 Mass. 499, 507 (1893). Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Comm’n, 7 Mass. App. Ct. 186, 190 (1979).

Based on the direct evidence presented in this matter, the Commission finds a patron was exhibiting obvious and visible signs of intoxication while inside the licensed premises and the licensee’s employee reasonably should have known the patron was intoxicated, after which time, the employee delivered an alcoholic beverage to the patron. The Commission finds that there was a violation of M.G.L. c. 138, § 69.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch.138 § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count) occurred. As a result, the Commission **suspends the license for one (1) day.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

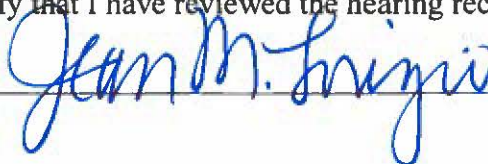


Deborah A. Baglio, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman



Dated: June 16, 2026

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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