



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

AOD, INC. DBA ON THE HILL TAVERN
499 BROADWAY
SOMERVILLE, MA 02143
LICENSE#: 113000014
HEARD: 4/5/2011

AOD, Inc. dba On the Hill Tavern (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 5, 2011, regarding an alleged violation of M.G.L. c.138, §69 (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Mark Kenny's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Mark Kenny's Report.

There is one (1) tape of this hearing.

FACTS

1. On December 2, 1010, at approximately 11:00 p.m., Investigators Kenny and Teehan investigated the business operation of AOD, Inc. dba On the Hill Tavern.
2. Investigators entered the premises and noticed a male patron who appeared to be intoxicated.
3. The male patron was unsteady on his feet as he made his way around the bar area. He was observed swaying while standing at the bar.
4. The male patron was in clear view of the bartender.
5. He was acting loud and obnoxious as he interrupted conversations with investigators and other individuals at the bar.
6. His speech was slurred.
7. The male patron was observed being served a shot of whiskey from a male bartender at approximately 11:40 p.m.
8. Investigators spoke with the bartender who stated that the male patron was not driving and lived nearby.