

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

March 7, 2012

WHIP CITY PATRIOT, INC. DBA WHIP CITY PATRIOT BAR & GRILL
287 NORTH ELM ST.
WESTFIELD, MA 01085
LICENSE#: 144000092
HEARD 3/6/2012

After a hearing on March 6, 2012, the Commission finds Whip City Patriot, Inc. dba Whip City Patriot Bar & Grill in violation of M. G. L. c.138 §69 (1 count).

The Commission suspends the licensee's license for a total of two (2) days. The suspension shall commence on Wednesday, April 25, 2012 and terminate on Thursday, April 26, 2012. The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 25, 2012 at 9:00 A.M. It will be returned to the licensee Friday, April 27, 2012.

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.

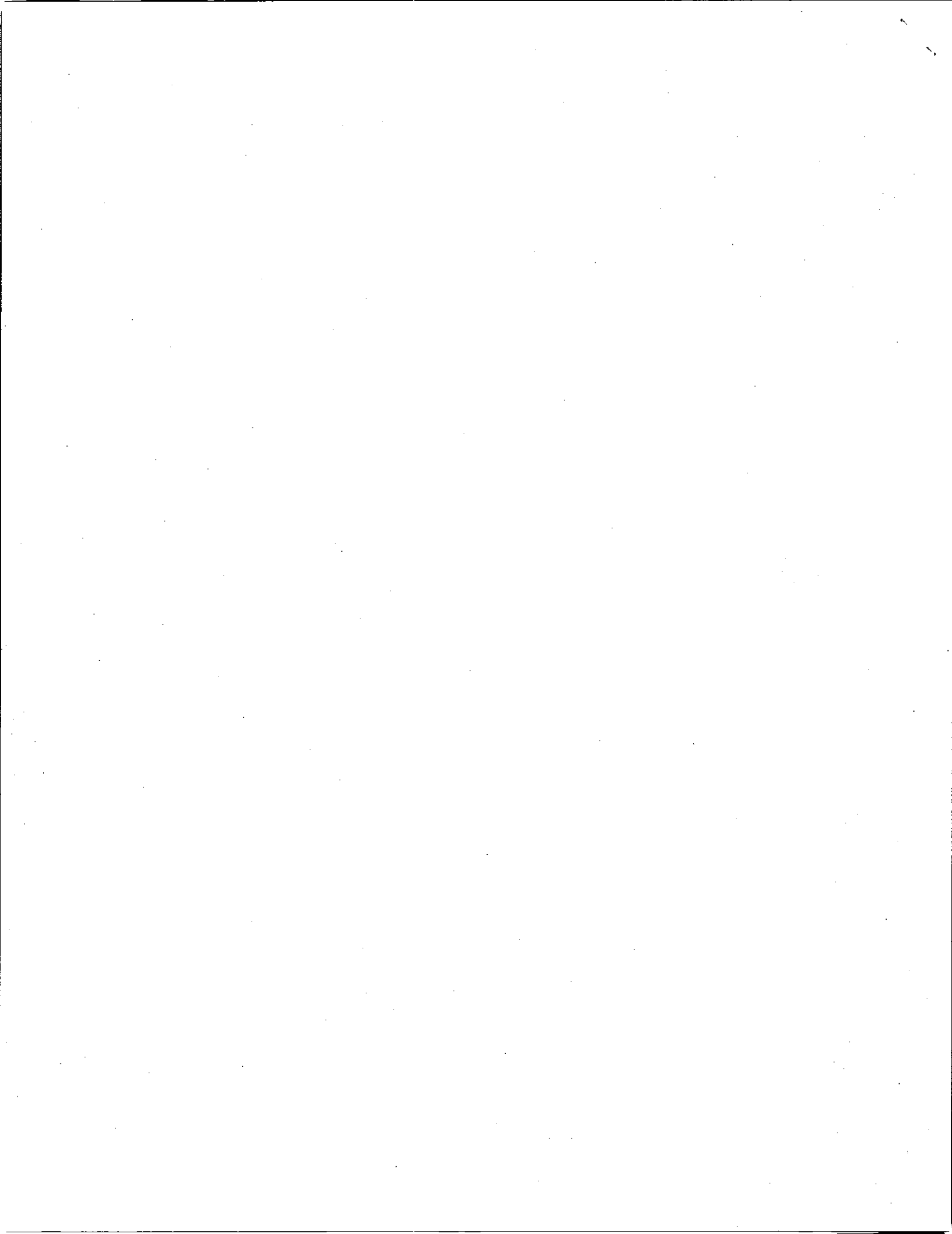
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

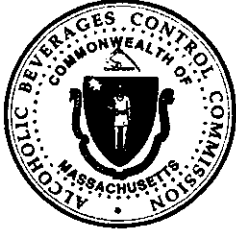
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Administration
File

2772 3285





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

WHIP CITY PATRIOT, INC. DBA WHIP CITY PATRIOT BAR & GRILL
287 NORTH ELM ST.
WESTFIELD, MA 01085
LICENSE#: 144000092
HEARD 3/6/2012

Whip City Patriot, Inc. dba Whip City Patriot Bar & Grill (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 6, 2012, 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 violations alleged in Investigator Dennis Keefe's Investigative Report.

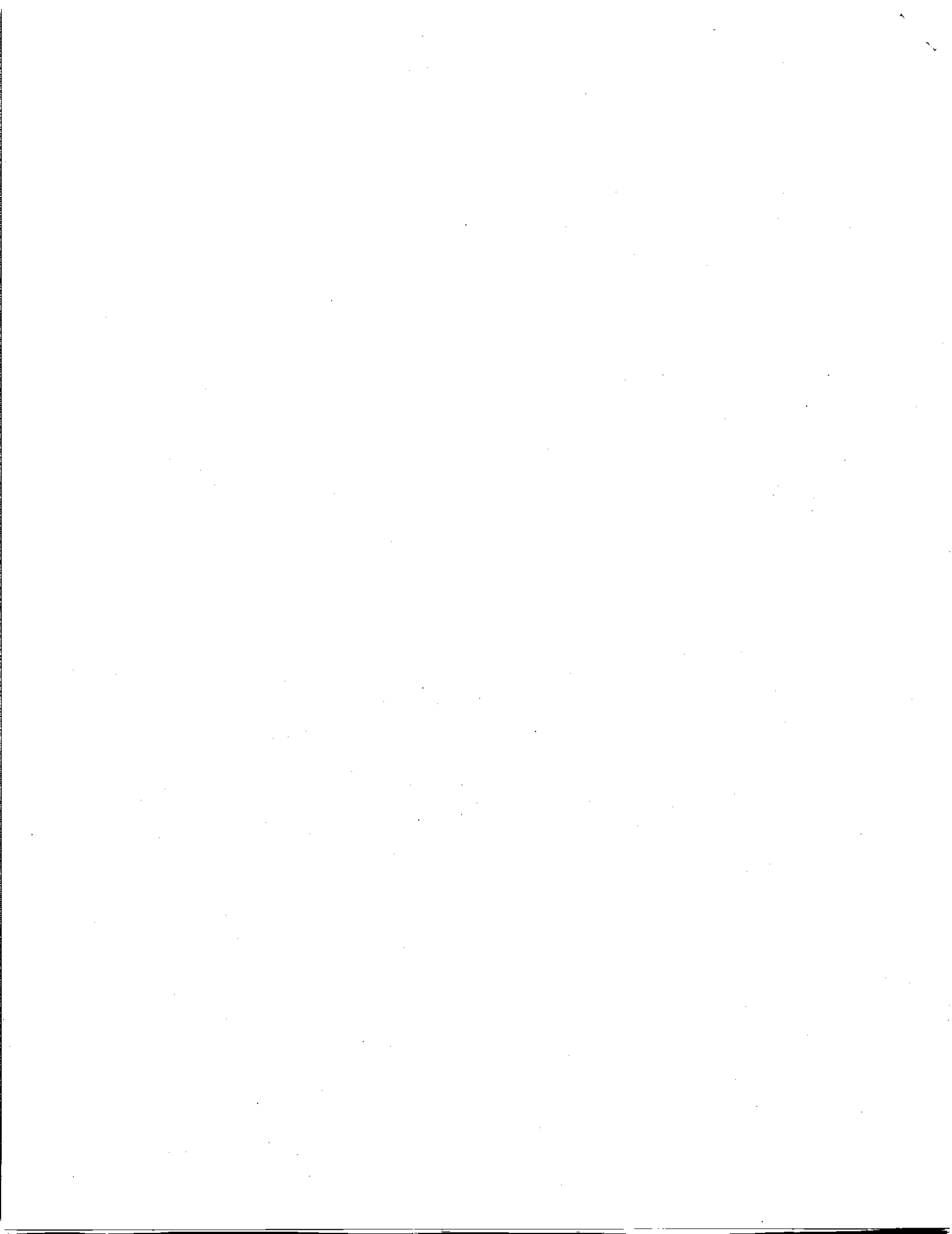
The following documents and physical items are in evidence:

1. Investigator Keefe's Investigative Report dated September 16, 2011; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Friday, September 16, 2011, at approximately 10:43 p. m., Investigators Jan Kujawski, Caroline Wilichoski, and Dennis Keefe, along with officers from Westfield Police Department, investigated the business operation Whip City Patriot, Inc. dba Whip City Patriot Bar & Grill to determine the manner in which their business was conducted.
2. Investigators entered the premises and observed a male patron who was staggering while he walked next to the bar.
3. Investigator Keefe sat at the bar, approximately twelve (12) feet away from the male patron, later identified as Mr. Travis Wolfe.
4. Investigator Keefe observed Mr. Wolfe speaking very loudly with slurred speech.
5. At approximately 10:38 p. m., Investigator Keefe observed Mr. Wolfe lose his balance while standing, stagger, and bump into another male patron seated at the bar.
6. Investigator Keefe noted that Mr. Wolfe's actions took place within five (5) feet of the bar, and in clear view of the bar staff, which included approximately five (5) employees.
7. Investigator Keefe noted that one bar staff member, believed to be in his early twenties (20's), and wearing a red shirt, laughed at Mr. Wolfe's loss of balance.
8. Based on his training and experience, Investigator Keefe determined that Mr. Wolfe was intoxicated.



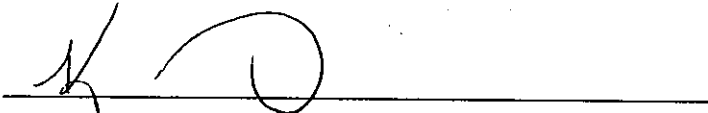
9. At approximately 10:43 p. m., Investigator Keefe observed Mr. Wolfe approach the bar and order six (6) shots of Grape Bombs from a female bartender.
10. The female bartender, later identified as Miss Emily Ann Edwards, placed the shots of Grape Bombs directly in front of Mr. Wolfe.
11. Investigator Keefe notified Investigator Wilichoski of the violation.
12. At approximately 10:45 p. m., Investigator Keefe observed Mr. Wolfe put his hand into the ceiling fan in an attempt to make the fan go faster.
13. Investigator Wilichoski contacted the Westfield Police Department officers, who were stationed outside the licensed premises, for their assistance.
14. Investigators and the officers from the Westfield Police Department identified themselves to Mr. Wolfe and determined that he was not driving a vehicle.
15. Investigators noted that Mr. Wolfe would receive safe transport home from Miss Lindsey Navinski.
16. Investigators informed Mr. Bob Tangredi, husband of the owner of the licensed premises, of the violation, and that a report would be submitted to the Commission for review.

CONCLUSION

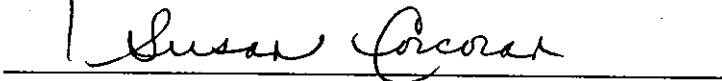
Based on the evidence, the Commission finds the licensee violated M. G. L. c.138 §69 (1 count). Therefore, the Commission **suspends the license for six (6) days of which two (2) days will be served and four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: March 7, 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
 Dennis Keefe, Investigator
 Administration
 File

