



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

April 9, 2013

JOHN A TARASHUCK JR. DBA MCGUIRE'S PLACE
5 SAUGUS PLACE
WORCESTER, MA 01603
LICENSE#: 150800162
VIOLATION DATE: 09/01/2012
HEARD: 3/26/2013

After a hearing on March 26, 2013, the Commission finds John A Tarashuck Jr. dba McGuire's Place in violation of:

- 1) 204 CMR 2.05(2)-Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138 §69- Sale or delivery of an alcoholic beverage to an intoxicated person (2 Counts); and
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. c. 138 §34c- Possession of an alcoholic beverage by a person under twenty-one years of age (2 Counts).

The Commission suspends the licensee's license for a total of fifteen (15) days to be served. The suspension shall commence on Wednesday May 29, 2013 and terminate on Wednesday, June 12, 2013. The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 29, 2013, at 9:00 A.M. It will be returned to the licensee Thursday, June 13, 2013.

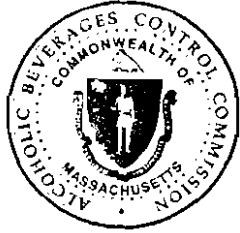
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Brad Doyle, Investigator
David Mullen, Esq., via Facsimile 781-455-1424
File



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

JOHN A TARASHUCK JR. DBA MCGUIRE'S PLACE
5 SAUGUS PLACE
WORCESTER, MA 01603
LICENSE#: 150800162
VIOLATION DATE: 09/01/2012
HEARD: 3/26/2013

John A Tarashuck Jr. dba McGuire's Place (the "Licensee") holds an 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 26, 2013, regarding an alleged violation of:

- 1) 204 CMR 2.05 (2)-Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138 §69-Sale or delivery of an alcoholic beverage to an intoxicated person (2 Counts); and
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. c. 138 §34c-Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 Counts).

The above captioned occurred on September 1, 2012, according to Investigator Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Investigative Report dated September 1, 2012;
2. RMV Printout of Antonio Delassantos, Jr.; and
3. RMV Printout of David William Bombard.

There is one (1) audio recording of this hearing, and three (3) witnesses testified.

FACTS

1. On Saturday, September 1, 2012, at approximately 12:30 a.m., Investigators Bailey and Doyle, accompanied by City of Worcester Police Officer Mark Jolin, investigated the business operation John A Tarashuck Jr. dba McGuire's Place to determine the manner in which their business was being conducted.
2. Investigators observed 10 – 15 people upon entering the premises.
3. Investigators sat at the bar and ordered three Bud Lite beers from the bartender on duty, later identified as Daniel French.
4. The attention of investigators was drawn to two male individuals sitting at the bar. These individuals were later identified as Brian Hackett and Sean Mantolesky.

5. Investigators observed Mr. Hackett in possession of a Bud Lite beer, and observed Mr. Mantolesky in possession of a bottle of Budweiser beer.
6. Investigators observed Mr. French, the only bartender on duty, serve Mr. Hackett and Mr. Mantolesky each a shot of Hot Damn Cinnamon Schnapps.
7. Investigators observed Mr. Hackett and Mr. Mantolesky each order another beer after drinking the shot.
8. Investigators also observed three youthful looking male individuals enter the licensed premises.
9. Investigators observed one of the youthful looking males approach the bar and order three drinks which were identified as Hennessy cognac mixed with Red Bull.
10. Investigators observed this individual hand one drink to each of his friends and keep one drink for himself. Each individual was in possession of a Hennessy and Red Bull.
11. Investigators noted that the bartender did not ask any of these individuals for identification.
12. Investigators did not identify themselves and continued to observe the two individuals at the bar as well as the three youthful looking male individuals.
13. Two uniformed Worcester Police Officers entered the establishment and escorted the three youthful looking male individuals out of the premises.
14. The Worcester Police Officers returned to the premises, and spoke with Mr. French, the bartender on duty.
15. Officer Jolin later received information regarding the identities for two of the youthful looking male individuals who were underage and in possession of an alcoholic beverage.
16. They were identified as David Bombard, date of birth [REDACTED] (age 20), and Antonio Dclossantos, date of birth [REDACTED] (age 19).
17. Investigators observed Mr. Hackett at the bar.
18. Mr. Hackett appeared to fall asleep at the bar. He closed his eyes for periods of time, nodding his head.
19. Investigators observed Mr. Hackett and Mr. Mantolesky walk over to a Massachusetts State Lottery "scratch ticket" vending machine that was close to where investigators and Officer Jolin were seated.
20. Investigators observed that both Mr. Hackett and Mr. Mantolesky had slurred speech, and had difficulty inserting the currency into the vending machine. Mr. Hackett held on to the vending machine to keep his balance.
21. Both Mr. Hackett and Mr. Mantolesky returned to their seats and scratched their tickets.
22. They argued whether or not they had won any money.
23. Both men appeared to have difficulty reading the numbers on the scratched tickets.
24. Investigators observed Mr. Hackett and Mr. Mantolesky order another shot.
25. Investigators observed the bartender, Mr. French, take a bottle out of the cooler which contained a pre-mixed beverage in a bottle of Poland Spring vodka called a "Red Headed Slut." Mr. French later stated this beverage was a mixture of Jagermeister, peach schnapps, and cranberry juice.
26. Investigators observed Mr. Hackett and Mr. Mantolesky each order another beer.
27. Based on their training and experience, investigators formed the opinion that Mr. Hackett and Mr. Mantolesky were intoxicated.
28. A few minutes later, investigators observed each man order another "Red Headed Slut" drink.
29. Investigator Doyle exited the premises to contact Chief Investigator Mahony. He explained that investigators and Officer Jolin had witnessed the bartender serve Mr. Hackett and Mr. Mantolesky five drinks each within thirty minutes, in addition to what the men were served prior to investigators' entrance.
30. Chief Mahony stated he and Worcester Police officers would come to the licensed premises.
31. Investigator Doyle returned to the premises.
32. Investigators and Officer Jolin continued to observe Mr. Hackett and Mr. Mantolesky. They observed Mr. French serve each man an additional beer prior to Chief Mahony's arrival.

33. Chief Mahony and Worcester Police arrived, and Investigator Doyle identified Mr. Hackett and Mr. Mantolesky.
34. All individuals went outside.
35. Mr. Mantolesky stated that they had arrived at the licensed premises around midnight.
36. Mr. Mantolesky stated that he was intoxicated and he planned on walking home. He stated that he lived nearby.
37. Chief Mahony asked Mr. Hackett where he lived.
38. Mr. Hackett stated that he could not remember his address.
39. Mr. Mantolesky stated that they each lived at 3 Exeter Street, Worcester, in different apartments.
40. Both individuals entered a Worcester Police vehicle and were given safe transport home.
41. Investigators Doyle and Bailey re-entered the licensed premises to speak with the bartender, Mr. French.
42. Mr. French stated that Mr. Hackett and Mr. Mantolesky arrived at approximately 12:00 a.m. – 12:30 a.m.
43. Mr. French stated that he served them approximately 7 – 8 drinks each.
44. Investigators asked Mr. French why he did not ask the three youthful looking male individuals for identification.
45. Mr. French stated that he should have done so.
46. Investigators notified Mr. French that a violation report would be submitted to the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.05(2)-Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138 §69-Sale or delivery of an alcoholic beverage to an intoxicated person (2 Counts); and
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. c. 138 §34c-Possession of an alcoholic beverage by a person under twenty-one years of age (2 Counts).

Therefore, the Commission **suspends the license of John A Tarashuck Jr. dba McGuire's Place for a period of thirty (30) days of which fifteen (15) days will be served and fifteen (15) days will be held in abeyance for a period of two (2) years provided no further violations of chapter 138 occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner *Susan Corcoran*

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

Kathleen McNally, Commissioner *Kathleen McNally*

DATE: April 9, 2013

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
Brad Doyle, Investigator
David Mullen, Esq., via Facsimile 781-455-1424
Administration
File