

**Re:** John A. Tarashuck, Jr.  
**DBA:** dba McGuire's Lounge  
**Premise:** 5 Saugus Place  
**City/Town:** Worcester, MA 01603  
**License #:** 150800162  
**Heard:** January 12, 2010 and November 16, 2010

**NOTICE**

After a hearing on November 16, 2010 the Commission finds John A. Tarashuck, Jr. dba McGuire's Lounge in violation of Massachusetts General Laws c. 138, §23.

The Commission **suspends the licensee's license for a total of five (5) days to be served.** The suspension shall commence on **Wednesday, January 26, 2011 and terminate on Sunday, January 30, 2011.** The license will be delivered to the Worcester Licensing Board or its designee on Wednesday, January 26, 2011 at 9:00 A.M. It will be returned to the licensee Monday, January 31, 2011.

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

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**



Kim S. Gainsboro  
Chairman

Dated at Boston, Massachusetts this 13<sup>th</sup> day of December 2010.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Rose Egan-Bailey, Investigator  
File

Re: **John A. Tarashuck, Jr.**  
dba: **dba McGuire's Lounge**  
Premise: **5 Saugus Place**  
City/Town: **Worcester, MA 01603**  
License #: **150800162**  
Heard: **November 16, 2010**

### **DECISION**

John A. Tarashuck, Jr. dba McGuire's Lounge ("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 November 16, 2010 regarding an alleged violation M.G.L. c.138, §69 that occurred on November 21, 2009 detailed in Investigator Rose Egan-Bailey's Report.

The following documents are in evidence:

1. Report of Investigator Rose Egan-Bailey;
2. Zip Drive of Video; and
3. Local Licensing Board Notice of Decision.

There is one (1) tape of this hearing.

### Facts

1. On November 16, 2009 at approximately 12:30 a.m., Officer Mark Jolin of the Worcester Police Department and Investigator Rosemary Egan-Bailey entered McGuire's Lounge in Worcester to observe the Licensee operations.
2. Upon entering, their attention was immediately drawn to a female patron dancing in front of the bar area in an overly animated manner and acting in an overtly sexual manner.
3. They noticed that she ordered an alcoholic beverage from the bartender.
4. Investigator Bailey observed her eyes to be bloodshot and glassy and her speech to be thick and slurred.
5. Both Investigator Bailey and Officer Jolin formed the opinion that the female patron was intoxicated.
6. Approximately twenty-five (25) minutes later, Investigator Wilichoski entered the premises.

7. Investigator Wilichoski noticed the patron acting extremely inappropriate, when she was on top of the bar, acting in a very provocative manner and removing her clothing.
8. The entire time she was disrobing and exposing herself, the patrons were photographing her with their cell phones.
9. Subsequent to this, she was asked to step down from the bar to which she did not immediately respond. She was then physically removed from the bar by the Officer and the Investigators.
10. It was then determined that the patron had consumed several alcoholic beverages which had rendered her intoxicated.
11. A video surveillance tape was seized by the ABCC Investigators.
12. The bartender on duty on the night in question was seen in the video taking photos of the patron when she was partially clothed on the bar.

### Discussion

It is clear that this patron was highly intoxicated when she was at the establishment the night of November 21, 2009. When the Investigators entered they saw that she was under the influence but she still ordered and was served an alcoholic beverage. The bartender at no point did not stop serving the patron, nor did he stop her from getting on the bar, or assist her at any point during the night.

In fact he was observed to be laughing and joking with other patrons seated at the bar overseeing her sexually promiscuous behavior. He was also photographing her while she was disrobing. The behavior of the bartender in this establishment is extremely disturbing and unprofessional. The only time the patron was rendered any type of assistance was when the officer and investigators from the ABCC approached her and offered their services. Without their assistance, this patron would have remained a spectacle for the entire bar room crowd.

### Conclusion

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §69. The Commission **suspends the license for five (5) days forthwith.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert Cronin, Commissioner\_\_\_\_\_

Susan Corcoran, Commissioner\_\_\_\_\_

Dated in Boston, Massachusetts this 13<sup>th</sup> day of December 2010.

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 days of receipt of this decision.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Rose Egan-Bailey, Investigator  
File