

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

THREE G'S ENTERPRISES, INC. DBA THREE G'S SPORTS BAR
152 MILLBURY STREET
WORCESTER, MA 01608
LICENSE#: 150800128
VIOLATION DATE: 8/31/2012
HEARD: 04/30/2013

Three G's Enterprises, Inc. dba Three G's Sports Bar (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 30, 2013, regarding an alleged violation of 204 CMR 2.05(2)-Permitting a illegality on the licensed premises, to wit: Ch. 138 §69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count). The above captioned occurred on August 31, 2012 according to Investigator Bailey's Report.

The following documents are in evidence:

1. Investigator Bailey's Report dated August 31, 2012.

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

FACTS

1. On Friday, August 31, 2012, at approximately 10:50 p. m., Investigators Doyle and Bailey, along with Worcester Police Officer Mark Jolin investigated the business operations of Three G's Enterprises, Inc. dba Three G's Sports Bar, to determine the manner in which their business was being conducted.
2. Upon entry, investigators sat at a table approximately ten feet from the bar in order to make observation. The bar was well lit and the music level was moderate with approximately 20 individuals in the licensed premises.
3. Investigators' attention was drawn to an older male individual who was wearing a white tee-shirt, dungarees, and a white baseball hat. He was seated with a female individual, at a table approximately 10 feet from their location.
4. Investigators observed the male individual, later identified as Michael Landy, was in possession of a bottle of Budweiser beer. He banged the beer bottle on the table after each gulp.
5. Investigators observed that Mr. Landy's speech was loud, slurred, and incoherent.
6. Investigators observed Mr. Landy raise his arm multiple times, make a fist and direct it to the female seated at the table with him.
7. Investigators further observed that when Mr. Landy attempted to get up from his seat, he fell forward, breaking his fall to the ground with outstretched arms.

8. After a few moments, investigators observed a male individual and female individual sit at the table with Mr. Landy.
9. Investigators observed Mr. Landy raise his arm, make a fist and direct it to the second female seated at the table.
10. Investigators observed that Mr. Landy began to beat his chest with his fist, speaking loudly and incoherently.
11. Investigators observed that the male individual and two females seated at the table with Mr. Landy left the premises through the back door.
12. Investigators observed that Mr. Landy continued to beat his chest and roll his head back with his eyes closed.
13. Based upon their observations, as well as their training and experience, investigators formed the opinion that Mr. Landy was intoxicated.
14. Simultaneously, Officer Jolin sent a text message requesting back up assistance, based on Mr. Landy's aggressive behavior.
15. Within moments, Worcester Police Officer Bill Stout, in an undercover capacity, entered the licensed premises.
16. At approximately 11:10 p.m., investigators observed Mr. Landy get up from his seat while holding onto the wall to maintain his balance.
17. As he made his way to the men's restroom, investigators observed Mr. Landy stagger and that he was unsteady on his feet.
18. Officer Jolin followed Mr. Landy into the restroom where he observed that Mr. Landy's eyes were glassy and bloodshot, and partially closed. He also stated Mr. Landy's speech was slow and incoherent.
19. Mr. Landy exited the men's restroom and went over to the side of the bar across from it.
20. Investigator Bailey approached the bar area to make further observations.
21. Investigator Bailey observed Mr. Landy held onto the bar to maintain his balance.
22. Investigator Bailey observed the female bartender on duty speak with Mr. Landy, but she was not close enough to hear their conversation.
23. Investigator Bailey observed the female bartender hand a Budweiser beer to Mr. Landy. She observed Mr. Landy, with one eye closed, had difficulty counting out his money and paying for the beer.
24. Investigators observed Mr. Landy bump into chairs as he staggered back to his table.
25. Investigators contacted Chief Investigator Mahony relative to their observations.
26. Chief Investigator Mahony, along with Worcester Police Lieutenant Johnson and two Worcester Police Patrolmen, entered the licensed premises.
27. Chief Investigator Mahony identified himself to Mr. Landy, and requested that Mr. Landy follow him outside.
28. Once outside, Chief Investigator Mahony, accompanied by Officer Jolin, asked to see Mr. Landy's identification.
29. Mr. Landy provided investigators with his Massachusetts Driver's License, date of birth 10/30/1953, home address in Shrewsbury, Massachusetts.
30. During the conversation, Chief Investigator Mahony observed that Mr. Landy had his fists clenched and his jaws locked. Mr. Landy rocked back and forth, his speech was slow and badly slurred.
31. Mr. Landy did not respond to basic questions immediately, and he did not remember where he had parked his vehicle. Throughout the conversation, he stated numerous times that he would walk home.
32. After approximately five minutes, Mr. Landy agreed to be provided safe transport home by a uniformed Worcester Police Patrolman.
33. Investigators and Officer Jolin re-entered the licensed premises and spoke with the female bartender on duty, Erin Johnson.

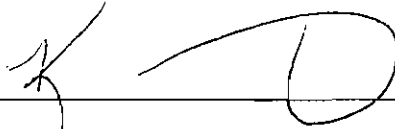
34. Ms. Johnson stated, "I know, I know you were here a couple of weeks ago", and "I told Lucky he was shut off."
35. Ms. Johnson identified Lucky as Mr. Landy. She stated that Lucky is a regular customer, he lives in the area and doesn't drive.
36. Investigators informed Ms. Johnson that a violation report would be submitted to the Chief Investigator for further action.

CONCLUSION

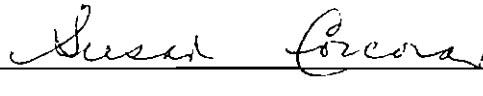
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05(2)-Permitting a illegality on the licensed premises, to wit: Ch. 138 §69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count). As the licensee has been in business since 1991 and has not had any violations in ten years, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



DATE: May 1, 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
Rose Bailey, Investigator
Brad Doyle, Investigator
Administration
File