



**Jean M. Lorizio, Esq.**  
*Chairman*

*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
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## **DECISION**

**RK RESTAURANT ASSOCIATES INC. D/B/A T-BONES ROADHOUSE  
22 MAIN ST.  
PLYMOUTH, MA 02360  
LICENSE#: 0984-00110  
VIOLATION DATE: 4/01/2018  
HEARD: 5/22/2018**

RK Restaurant Associates Inc. d/b/a T-Bones Roadhouse (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, May 22, 2018, regarding alleged violation of M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Temple's report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report; and
2. Licensee's Stipulation of Facts.
  - A. Licensee's Employee Handbook.
  - B. Addendum to Handbook; and
  - C. Server Training Roster.

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

The Commission took Administrative Notice of the Licensee's record.

## **FINDINGS OF FACT**

1. On Saturday, April 1, 2018, at approximately 10:00 p.m., Investigators Velez and Temple ("Investigators") conducted an investigation of the business operation of RK Restaurant Associates Inc. d/b/a T-Bones Roadhouse to determine the manner in which its business was being conducted.
2. The attention of the Investigators was drawn to an intoxicated male individual, Tim Reilly, who was wearing a red Harvard shirt and was stood at the corner of the bar, closest to the door.

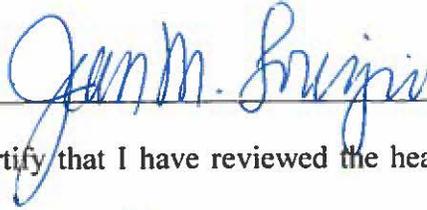
3. Investigators stood within close proximity of Reilly and made the following observations.
4. Reilly was standing and talking to a female at the bar who was seated to his right. Investigators observed that Reilly had glassy and watery eyes, and appeared to be unsteady on his feet, swaying back and forth.
5. Investigators observed that Reilly appeared overly animated. Reilly spoke in a louder voice than the rest of the group he was with, and Investigators could hear that his speech was slurred.
6. Based on their training and experience, Investigators formed the opinion that Reilly was intoxicated.
7. At approximately 12:20 a.m., Investigators observed Reilly consume a shot of an alcoholic beverage, which had been purchased for him by another individual. After consuming the shot, Investigators observed Reilly stumble backwards.
8. At approximately 12:31 a.m., Investigators observed Reilly signal to the bartender on duty, Julie Brewster, and speak to her. Investigators then observed Brewster deliver two Bud Light beers to Reilly.
9. Investigators observed that Reilly had difficulty removing his credit card from his wallet. When Reilly signed the bill, he continued his signature from the receipt on to the wood clip board.
10. Investigators spoke to Reilly and his friend, Matt Patrick. Patrick stated that he would ensure safe transport home for Reilly.
11. Investigators identified themselves to the manager on duty, Kevin Radley, and identified Reilly to him. Radley agreed with Investigators that Reilly was intoxicated. Mr. Radley informed Investigators that he would talk to the owners and his staff to address the issue of overservice.
12. Investigators informed Mr. Radley of the violation and that a report would be filed with the Chief Investigator for further review.

#### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore, the **Commission suspends the license for four (4) days of which one (1) day will be served and three (3) 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**

Jean M. Lorizio, Chairman



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

Kathleen McNally, Commissioner



Dated: June 26, 2018

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.

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Christopher Temple, Investigator  
Nicholas Velez, Investigator  
Stephen V. Miller, Esq. via email  
Administration, File