

Re: West Street Bar & Grill, Inc.  
d.b.a.: Maximum Capacity  
Premise: 116 School Street  
City/Town: Chicopee, MA 01013  
Heard: January 27, 2009

### DECISION

A Commission hearing was held to determine whether West Street Bar & Grill, Inc. d.b.a. Maximum Capacity (licensee) was in violation of Ch. 138 §69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 count).

The licensee stipulated to the facts of the Investigator's report. Investigator Arthur Hitchman testified that on December 18, 2008 at approximately 11:05 p.m., he and Investigator Doyle entered the West Street Bar and Grill, Inc. to determine the manner in which the business was being operated. Upon entering they observed a male individual at the bar who was extremely intoxicated. Both Investigators made observations of him being unsteady on his feet and of his head bobbing from side to side. His speech was unclear and he was unable to perform minor motor skill tasks.

After observing this individual for some time, the Investigators sought the assistance of the Chicopee Police. The Investigators then identified themselves to the intoxicated patron and asked him for some identification, which showed him to be twenty-two years of age. However, when asked his age by Investigators, the individual insisted he was only twenty-one.

Administrative review of the file indicates that the licensee had a previous violation of Chapter 138 in 2008. The Commission finds the licensee in violation of Ch. 138 §69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 count) and, therefore, **suspends the license for 4 days.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

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

Robert H. Cronin, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 17<sup>th</sup> day of February 2009.

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  
Michael R. Lebric, Esq.  
Mike Dion, Chicopee Police  
File