

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

December 16, 2014

SAND DOLLAR BAR & GRILLE INC DBA SAND DOLLAR BAR & GRILL
244 LOWER COUNTY RD.
DENNIS, MA 02639
LICENSE#: 027800114
VIOLATION DATE: 06/06/2014
HEARD: 12/10/2014

After a hearing on December 10, 2014, the Commission finds Sand Dollar Bar & Grille Inc. dba Sand Dollar Bar & Grill in violation of M.G.L. c. 138 §69 – Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count).

The Commission suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, February 4, 2015, and terminate on Thursday, February 5, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 4, 2015 at 9:00 A.M. It will be returned to the licensee Friday, February 6, 2015.

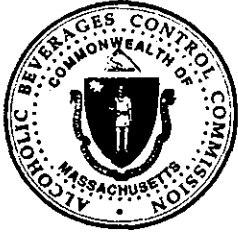
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Nicholas Velez, Investigator
Mail to: 261 Main St., South Dennis, MA
Administration, File



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DECISION

**SAND DOLLAR BAR & GRILLE INC DBA SAND DOLLAR BAR & GRILL
244 LOWER COUNTY RD.
DENNIS, MA 02639
LICENSE#: 027800114
VIOLATION DATE: 06/06/2014
HEARD: 12/10/2014**

Sand Dollar Bar & Grille Inc. dba Sand Dollar Bar & Grill (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 Wednesday, December 10, 2014, regarding an alleged violation of M.G.L. c. 138 §69-Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Velez's Violation Report dated June 6, 2014.

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

FACTS

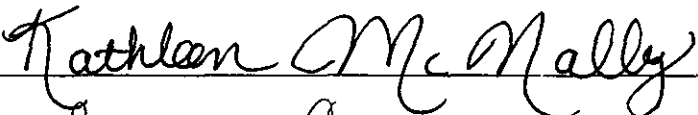
1. On Friday, June 6, 2014, at approximately 10:50 p. m., Investigators Binienda, Kenny, Keefe, and Velez conducted an investigation of the business operation of Sand Dollar Bar & Grille Inc. dba Sand Dollar Bar & Grill, to determine the manner in which its business was being conducted.
2. At approximately 10:53 p.m., investigators' attention was drawn to a male individual, Chris (last name unknown.) who appeared to be intoxicated.
3. Investigators observed that Chris spoke with slurred speech, and that his eyes were watery, glassy, and bloodshot.
4. At approximately 11:01 p.m., investigators observed Chris swaying side to side as he stood next to a high top table while holding onto it for balance.
5. Investigators also observed that Chris appeared to be falling asleep while standing next to the high top table.
6. Investigators observed Chris stumble as he walked around the table to speak to his friend.
7. Based on their training and experience, investigators formulated the opinion that Chris was intoxicated.

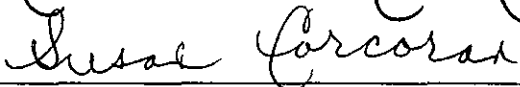
8. At approximately 11:20 p.m., investigators observed Chris's friend order two drinks from the bar. Investigators observed the bartender on duty deliver two glasses of whiskey to the friend.
9. Investigators noted that Chris stood approximately three feet from the bar. in direct sight of the bartender.
10. Investigators then observed Chris take possession of the glass of whiskey, and consume it.
11. Investigators observed Chris and his friend exit the premises.
12. Investigators identified themselves to Chris and asked to see his identification.
13. Chris said, "This is bullshit" and he reached for the investigators' neck badge, trying to grab it.
14. Investigators noted that Chris was very aggressive and argumentative, and uncooperative with them.
15. Investigators learned that Chris and his friend were renting a house down the street and were walking home.
16. Investigators then spoke to the owner of the licensed premises, Terry O'Donnell, and identified Chris to him.
17. Mr. O'Donnell admitted that Chris was drunk and he had had too much to drink. Mr. O'Donnell provided safe transport home for Chris by calling a cab for him.
18. Investigators informed Mr. O'Donnell of the violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 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 two (2) days will be served and two (2) 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

Kathleen McNally, Commissioner 

Susan Corcoran, Commissioner 

Dated: December 16, 2014

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
 Nicholas Velez, Investigator
 Jamie Binienda, Investigator
 Mark Kenny, Investigator
 Mail to: 261 Main St., South Dennis, MA
 Administration
 File