

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

Land Ho Harwichport, LLC dba Land Ho
429 Route 28
Harwich, MA 02656
License #: 050600011
Heard: April 26, 2011

Land Ho Harwichport, LLC dba Land Ho (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 Tuesday, April 26, 2011, regarding an alleged violation of M.G.L. c.138, §69 (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jamie Binienda's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Jamie Binienda's Report.

There is one (1) tape of this hearing.

FACTS

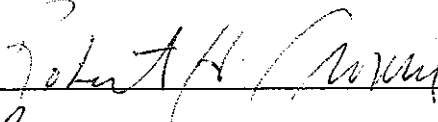
1. On Saturday, December 4, 2010, Commission Investigator Jamie Binienda and the Harwich Police Department, observed the business operation of Land Ho Harwichport, LLC dba Land Ho.
2. At approximately 12:00a.m., Investigator Binienda's attention was drawn to a young woman drinking a draft beer.
3. He observed her stagger around the dance floor and utter something incoherent with a badly slurred speech.
4. He further noticed her awkwardly leaning up against another female patron for balance.
5. The female patron sat at the bar and with her eyes almost completely closed and sat unsteady on the barstool.
6. The bartender placed a draft beer in front of the female patron and she began drinking it.
7. Investigator Binienda informed the bartender that the patron was intoxicated.
8. He stated he was serving her friend not the intoxicated female patron.
9. Administrative review of the file indicates this was the first violation by the licensee.

CONCLUSION

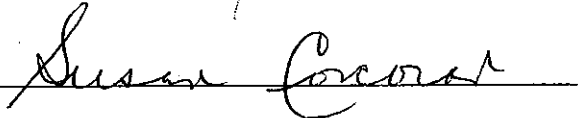
Based on the evidence, the commission finds the licensee violated M.G.L. Ch. 138 §69 (1 count). The Commission **suspends the license for five (5) days of which five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner



Susan Corcoran, Commissioner



Dated: June 28, 2011

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
Jamie Binienda, Investigator
File