Agents to Licenses

Retail Licenses to State Enforcement Agents

National Liquor Law Enforcement Association
2009 Enforcement Data
No person shall ...  

- Sell
- Expose for sale
- Export
- Keep for sale
- Manufacture with intent to sell
- Import
- Store
- Transport ...alcoholic beverages or alcohol...
The licensing authorities after notice to the licensee and reasonable opportunity for him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth.
No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.
MGL 138 Section 56

A deputy sheriff, chief of police, deputy chief of police, city marshal, deputy or assistant marshal, police officer including a state police officer, ..., the sheriff anywhere within his county, or any investigator of the commission,

may without a warrant arrest any person whom he finds in the act of illegally manufacturing, selling or exposing or keeping for sale, storing, transporting, importing or exporting alcoholic beverages

or alcohol, and seize the said beverages or alcohol and any vessels and implements of manufacture or sale in the possession of such person, and detain them until warrants can be procured against such person, and for the seizure of said beverages or alcohol, vessels and implements, under this chapter.

Such officers shall enforce or cause to be enforced the penalties provided by law against every person who is guilty of a violation of this chapter of which they can obtain reasonable proof, and shall make all needful and appropriate investigations for the said purpose.
Entry of licensing authorities upon licensed premises

The local licensing authorities or their agents may at any time enter upon the premises of a person who is licensed by them, and the commission or its agents may enter upon the premises of any holder of a license, permit or certificate of fitness under this chapter, to ascertain the manner in which he conducts the business carried on under such license, permit or certificate....
Renewal of restaurant licenses… investigations

No license issued under section twelve to conduct a restaurant shall be renewed unless and until the holder thereof shall satisfy the licensing authority that he is in good faith operating a restaurant and that such restaurant is provided with proper equipment for the service of food to travelers and strangers.

The licensing authority may at any time make investigation on its own initiative as to the compliance with license requirements.
Any person who hinder or delays any authorized investigator of the commission or any investigator, inspector or any other authorized agent of local licensing authorities in the performance of his duties,

or who refuses to admit to or locks out any such investigator, inspector or agent from any place which such investigator, inspector or agent is authorized to inspect, or who refuses to give to such investigator, inspector or agent such information as may be required for the proper enforcement of this chapter, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than two months, or both.
Private Clubs

Any club in any city or town wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others.
Hours of Operation

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o’clock antemeridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o’clock antemeridian and before eleven o’clock postmeridian, ....;

provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day’s business or opening or closing the business in an orderly manner.
Hours of Operation

Although legislature intended to permit unreviewable policy considerations to govern denial of an increase of hours for liquor licensees, discretion lodged in local authorities is not unlimited and they may not act upon mere whim or vagary. YERARDI'S 473 N.E.2d 1154

Statutory standard that governs a local authority in choosing a particular closing hour for establishment holding liquor license, whether as a general regulation or for a particular licensee, is “the public need”.

Board of selectmen of town, the local licensing authority, should reconsider application by holder of an all-alcoholic beverages license with closing time of one o'clock a.m. to “extend” closing time to 2 o'clock a.m., in view of absence of statement of reasons supporting denial of application.
Special “One Day” licenses

In a city or town wherein the granting of licenses to sell all alcoholic beverages or wines and malt beverages only is authorized under this chapter, special licenses for the sale of wines and malt beverages only, or either of them, may be issued by the local licensing authorities, to the responsible manager of any indoor or outdoor activity or enterprise;

provided, however, in any city or town wherein the granting of licenses to sell all alcoholic beverages is authorized under this chapter, special licenses for the sale of all alcoholic beverages or wine and malt beverages only, or any of them, may be issued by the local licensing authorities to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise.

A license under this section shall not be granted to any person while his application for a license under section twelve is pending before the licensing authorities.
Recommended Programs

**Baseline Enforcement Program:**

**Compliance Checks**
The objective of this operation is to educate licensees and to increase the vigilance of bars & liquor stores in the checking of identification.

**Targeted Data Driven Enforcement: Problem Bars**
Data based, intensive enforcement at bars and liquor stores seen as the source of alcohol related crimes and impacting community quality of life.

**Enhanced Enforcement Operations**
Cops in Shops; Trap Door; Last Call and Controlled Party Dispersal
2008 Compliance Checks

2008 Compliance Checks
Failure Percentage
- 0
- 1 - 11
- 12 - 18
- 19 - 25
- 26 - 36
- 37 - 50
- Massachusetts Enforcement 2008

Massachusetts Alcoholic Beverages Control Commission
2009 Compliance Checks

Massachusetts Alcoholic Beverages Control Commission
2010 Compliance Checks
National Compliance Checks

Compliance Check / Decoy Operation - Failure Rate

Legend:
- 0% - 10%
- 11% - 14%
- 15% - 21%
- 22% - 35%
- No Compliance Checks
- No Information Available
- States

National Liquor Law Enforcement Association
2009 Enforcement Data
In any event, assuming that the commission violated the statute by permitting minors to purchase liquor in a sting operation, this act would not preclude the commission from relying on the evidence. It is generally recognized that absent entrapment or other abuses violative of fundamental fairness, government involvement in criminal activity for the purpose of investigating possible violations of law is permissible even if technical violations of law occur.

In this case, where the commission's sting operation was conducted in accordance with published guidelines designed to insure that such operations were conducted fairly, the commission could properly rely on this evidence.

(evidence obtained as a result of an alleged unlawful stop and arrest was admissible in an administrative proceeding to determine if the plaintiff’s termination from employment was proper). As such, the decision to suspend the plaintiff’s liquor license was based on substantial evidence. Judgment affirmed. Fran’s Lunch, Inc. v. ABCC 45 Mass.App.Ct. 663, 700 N.E.2d 843
COMPLIANCE CHECK GUIDELINES

These guidelines are intended to provide the basic framework which will be used when conducting underage drinking compliance checks on licensed premises.

1. Notification that a compliance check will be taking place will be made in the media prior to the start date.
2. The underage person taking part in the compliance check should reasonably look their age. Efforts to make them appear older should be avoided.
3. A photo of the underage person should be taken and attached to the information received in no.
4. The underage person should not be carrying any identification when taking part in the compliance check.
5. The underage person should not carry any money with them other than that given by the ABCC Investigator or law enforcement officer approaching them.
6. The underage person shall sign a release form prior to starting participation in the program. The underage person and an ABCC Investigator or any other law enforcement officer should also sign and date a copy of these guidelines.
7. Under circumstances warrant, the underage person will be given a BAC test at the beginning and at the conclusion of the investigation. They should be informed of this prior to beginning the investigation.
8. The underage person shall enter the licensed premises under observation by an ABCC Investigator and/or a law enforcement officer.
9. The underage person shall attempt to purchase an alcoholic beverage. They should attempt to purchase the same brand at each location.
10. At no time shall the underage person attempt to misrepresent their age or provide any identification.
11. If asked for identification, the underage person should leave the establishment.
12. If served at any on-premise establishment, the underage person shall remain on the licensed premises for at least one hour after the purchase has been made.
13. At no time shall the underage person consume any alcoholic beverage.
14. The sale and service of all alcoholic beverages will be of the utmost importance to the ABCC Investigator and law enforcement officer. Underage persons shall not be served in any unusual, unnecessary or unreasonable fashion.
15. The sale of alcohol to underage persons shall not be made, served or carried by any ABCC, state or local law enforcement or any other employee of the agency or any other law enforcement unit while participating in this program. They shall not under any circumstances carry a weapon.
16. ABCC investigators and law enforcement personnel should not use the premises to observe an off duty officer when circumstances warrant.
17. Notice to licensees of alleged violations will be given upon conclusion of the compliance check. Official notification of date, time and place of hearing.

 Inferior Police: ___________________________ Date: ____________

ABCC Investigator or Law Enforcement Officer: ___________________________ Date: ____________
### Data Driven Enforcement

**Barnstable Police Department**
**Crime Analysis and Research Unit**
*CAU Report: 11-48*

<table>
<thead>
<tr>
<th>Call/Crime Type</th>
<th>Total</th>
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<tr>
<td>OUI</td>
<td>107</td>
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<tr>
<td>Protective Custody</td>
<td>630</td>
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<tr>
<td>Bar Disturbance</td>
<td>32</td>
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<tr>
<td>Liquor Ordinance</td>
<td>191</td>
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<tr>
<td>Minor Transporting</td>
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<tr>
<td>Furnishing Alcohol to Minors</td>
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<tr>
<td>Minor in Possession of Alcohol</td>
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</table>
Data Driven Enforcement

• Fatal Crash on 7/10/09 at 2:10 AM on Rte 91 SB Springfield. Driver, age 20 was highly intoxicated, leaving Entertainment District, struck taxicab then fled at high speed onto Rte 91 South. Driver then lost control and struck guardrail, ejecting passenger who was killed. Driver was under age.

• Protective Custody Arrest on 7/10/11 of 21 year old subject inside Mardis Gras. Subject was so highly intoxicated, he was placed into protective custody inside the bar and transported to the barracks.

• Rte 391 NB Holyoke. Subject was driving in extremely erratic manner, all over road. Subject was coming from Mardis Gras attempting to return home to Great Barrington. Subject had no idea where he was. BT result .21

• Rte 391 NB Chicopee. Subject driving in highly erratic manner at speeds of 95 mph. Subject employed as stripper at Mardis Gras and was coming from Mardis Gras. Subject charged with OUI-Alcohol, OUI-Drugs, Poss. of. Cocaine
Data Driven Enforcement

POLICE RESPONSE STATISTICS
JAN 2011 – AUGUST 2011

Responses may include: Aggravated Assault, General Disturbance, Intoxication, Liquor Law Enforcement, Noise, OUI MVA, OUI Liquor, Property Damage, Protective Custody, Simple Assault, Suspicious Activity, Threats, Unwanted Guest, Vandalism, and Violation of Liquor Law

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>Count</th>
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<tr>
<td>T-BONES</td>
<td>23 MAIN ST</td>
<td>14</td>
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<tr>
<td>MAIN STREET SPORTS BAR AND GRILLE</td>
<td>39 MAIN ST</td>
<td>7</td>
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<tr>
<td>BRITISH BEER COMPANY</td>
<td>229 MAIN RD</td>
<td>4</td>
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<tr>
<td>BRITISH BEER COMPANY, DOWNTOWN</td>
<td>6 MIDDLE</td>
<td>4</td>
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<tr>
<td>SAM DIEGOS</td>
<td>51 MAIN ST</td>
<td>5</td>
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<tr>
<td>GURU</td>
<td>54 MAIN ST</td>
<td>0</td>
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<tr>
<td>WATERFRONT BAR AND GRILLE</td>
<td>170 WATER ST</td>
<td>10</td>
</tr>
<tr>
<td>EAST BAY GRILLE</td>
<td>173 WATER ST</td>
<td>17</td>
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<tr>
<td>CARRYS HAKK</td>
<td>30 TOWN WHarf</td>
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</table>
Data Driven Enforcement

Operation Last Call
There are over 2400 OUI reports filed with the Commission annually.

In 2007 the Enforcement Division developed a report of licensees that were the top 30 “worst offenders”, 24 of these bars were charged. These bars were located in 22 municipalities in Suffolk, Middlesex, Worcester, Essex, Franklin, Bristol, Hampden and Norfolk counties.

The 2008 data clearly demonstrated a dramatic reduction (95%) in the number of OUI’s originating from the bars that had been subject to the intensive liquor enforcement and charged with violating MGL Chapter 138 §69.
Data Driven Enforcement

2010 24J Notices

- 1 - 2
- 3 - 5
- 6 - 15
- 16 - 30
- 31 - 70
- 71 - 270
- Massachusetts
<table>
<thead>
<tr>
<th>City</th>
<th>Licensee</th>
<th>Address</th>
<th>#</th>
<th>Most Recent</th>
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<tr>
<td>Boston</td>
<td>Fenway Park</td>
<td>4 Yawkey Way</td>
<td>60</td>
<td>2011</td>
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<tr>
<td>Boston</td>
<td>TD Garden</td>
<td>100 Legends Way</td>
<td>51</td>
<td>2011</td>
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<tr>
<td>Springfield</td>
<td>MARDI GRAS</td>
<td>91 TAYLOR STREET</td>
<td>48</td>
<td>2011</td>
</tr>
<tr>
<td>Foxboro</td>
<td>Gillette Stadium</td>
<td>Route 1</td>
<td>45</td>
<td>2011</td>
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<tr>
<td>Greenfield</td>
<td>Taylor's Tavern</td>
<td>238 Main Street</td>
<td>45</td>
<td>2011</td>
</tr>
<tr>
<td>Ayer</td>
<td>Carlin's Restaurant</td>
<td>7 Depot Square</td>
<td>44</td>
<td>2008</td>
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<tr>
<td>Newburyport</td>
<td>Michael's Harborside</td>
<td>Tournament Wharf</td>
<td>40</td>
<td>2009</td>
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<tr>
<td>Salisbury</td>
<td>Ten's Club</td>
<td>11 North End Blvd</td>
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<td>Newburyport</td>
<td>Thirsty Whale</td>
<td>State Street</td>
<td>38</td>
<td>2011</td>
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<tr>
<td>Newburyport</td>
<td>The Grog</td>
<td>13 Middle Street</td>
<td>35</td>
<td>2010</td>
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<tr>
<td>Peabody</td>
<td>Sylvan Street Grille</td>
<td>12 Sylvan Street</td>
<td>35</td>
<td>2010</td>
</tr>
<tr>
<td>Webster</td>
<td>Mario's Showplace</td>
<td>Thompson Rd.</td>
<td>35</td>
<td>2011</td>
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<tr>
<td>Fitchburg</td>
<td>Partner's Pub</td>
<td>970 South Street</td>
<td>33</td>
<td>2009</td>
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<tr>
<td>Worcester</td>
<td>Irish Times</td>
<td>244 Main Street</td>
<td>32</td>
<td>2011</td>
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<tr>
<td>Great Barrington</td>
<td>Bogies Pub</td>
<td>935 S. MAIN ST</td>
<td>30</td>
<td>2010</td>
</tr>
<tr>
<td>Oak Bluffs</td>
<td>Season's</td>
<td>19 Circuit Ave</td>
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<td>2011</td>
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<tr>
<td>Amherst</td>
<td>Monkey Bar &amp; Grille</td>
<td>63 N. Pleasant Street</td>
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<td>2010</td>
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<tr>
<td>Chicopee</td>
<td>Maximum Capacity</td>
<td>School Street</td>
<td>25</td>
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<tr>
<td>Fitchburg</td>
<td>Center Ice</td>
<td>Airport Rd.</td>
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<tr>
<td>Oxford</td>
<td>CENTERFOLDS 2000</td>
<td>SOUTHBRIDGE ROAD</td>
<td>25</td>
<td>2011</td>
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<tr>
<td>Peabody</td>
<td>Paddy's Kellys</td>
<td>154 Washington St</td>
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<tr>
<td>Salem</td>
<td>O'Neal's</td>
<td>Washington Street</td>
<td>25</td>
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<tr>
<td>Springfield</td>
<td>Salty Dog</td>
<td>280 Bridge Street</td>
<td>25</td>
<td>2009</td>
</tr>
<tr>
<td>Whately</td>
<td>Castaway's</td>
<td>Route 5</td>
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<td>Amherst</td>
<td>McMurphy's Tavern</td>
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<td>Cambridge</td>
<td>Middle East Restaurant</td>
<td>472-480 Massachusetts Ave</td>
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<tr>
<td>Ipswich</td>
<td>Majestic Dragan</td>
<td>81 Turnpike, Rte.1</td>
<td>22</td>
<td>2010</td>
</tr>
<tr>
<td>Beverly</td>
<td>The Press Box</td>
<td>Park Street</td>
<td>21</td>
<td>2010</td>
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<tr>
<td>Boston</td>
<td>Roxy</td>
<td>279 Tremont St.</td>
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<td>2010</td>
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<tr>
<td>Springfield</td>
<td>FAT CAT BAR</td>
<td>537 - 539 WORTHINGTON ST</td>
<td>21</td>
<td>2011</td>
</tr>
</tbody>
</table>
Data Driven Enforcement
Data Driven Enforcement

OUI - Place of Last Drink Notice Received

Legend:
- PLD Notice Received
- No Information Available
- Received from Courts
- Not Received
- Received from Police
- States

National Liquor Law Enforcement Association
2009 Enforcement Data
Enhanced Enforcement

**Operation Safe Campus:**
- Cops in Shops
- Trap Door
- Controlled Party Dispersal

**Operation Safe Prom:**
- Cops in Shops
- Controlled Party Dispersal

**Operation Safe Summer:**
- Cops in Shops
- Controlled Party Dispersal
- Last Call

**Operation Safe Holidays:**
- Last Call
- Cops in Shops
Enhanced Enforcement

MIP Programs - # of Minors in Possession of Alcohol

National Liquor Law Enforcement Association
2009 Enforcement Data
Enhanced Enforcement

MIP Programs - # of Minors in Possession of False ID

National Liquor Law Enforcement Association
2009 Enforcement Data
Enhanced Enforcement

MIP Programs - # of Adults Furnishing Alcohol to Minors

National Liquor Law Enforcement Association
2009 Enforcement Data
Chief Ted Mahony

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617-727-3040 extension 714