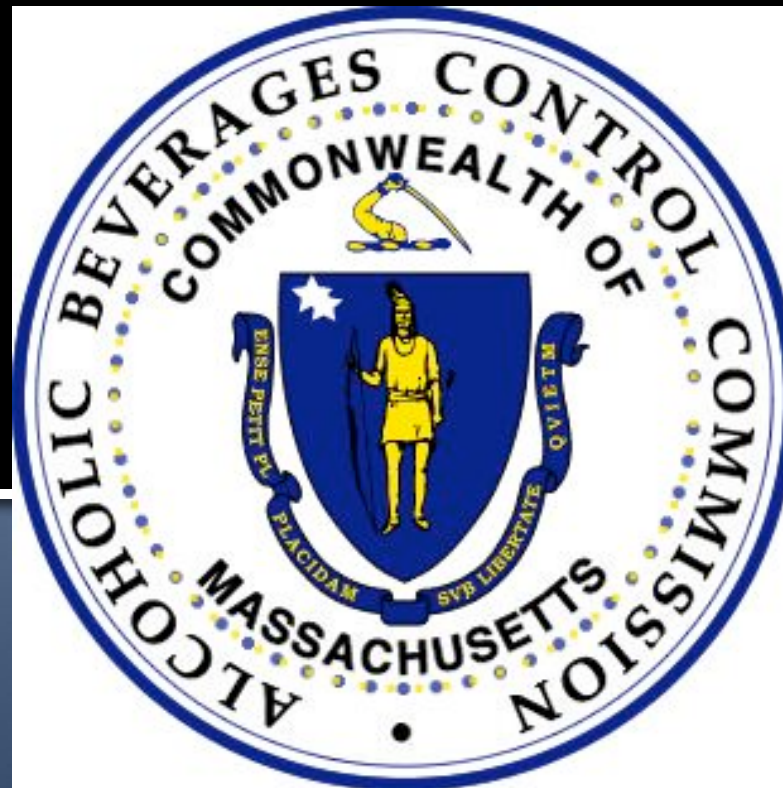
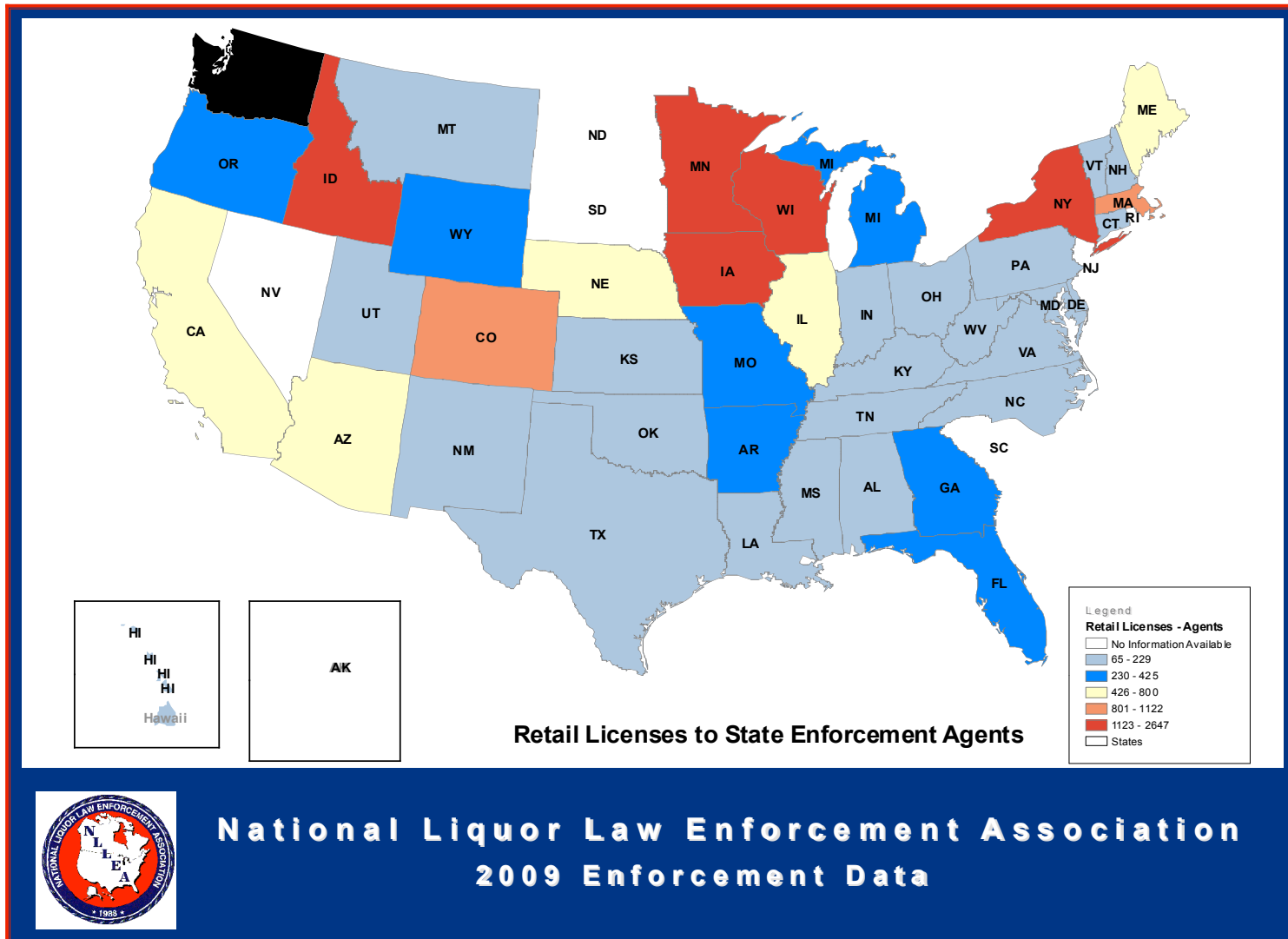


Massachusetts Alcoholic Beverages Control Commission



Agents to Licenses



MGL 138 Section 2



No person shall ...

Sell

Expose for sale

Export

Keep for sale

Manufacture with intent to sell

Import

Store

Transportalcoholic beverages or alcohol...

MGL 138 Section 64



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.

204 CMR 2.05 (2)



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.

MGL 138 Section 63



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.....

MGL 138 Section 12A



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.

MGL 138 Section 63A



Any person who hinders 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.

MGL 138 Section 12



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.

MGL 138 Section 12



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.

MGL 138 Section 12



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.**

MGL 138 Section 14



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.

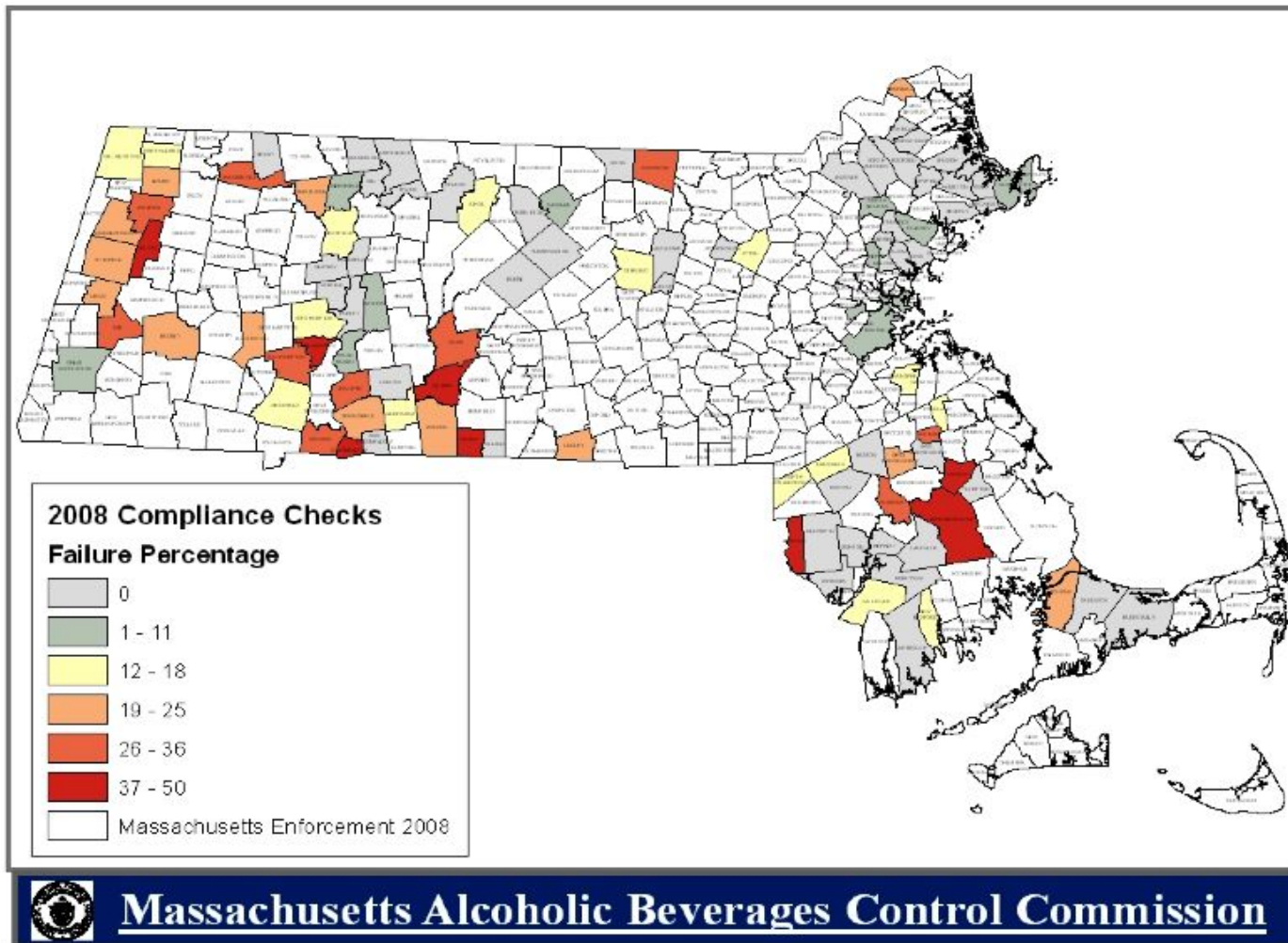
Targeted Data Driven Enforcement: Problem Bars

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

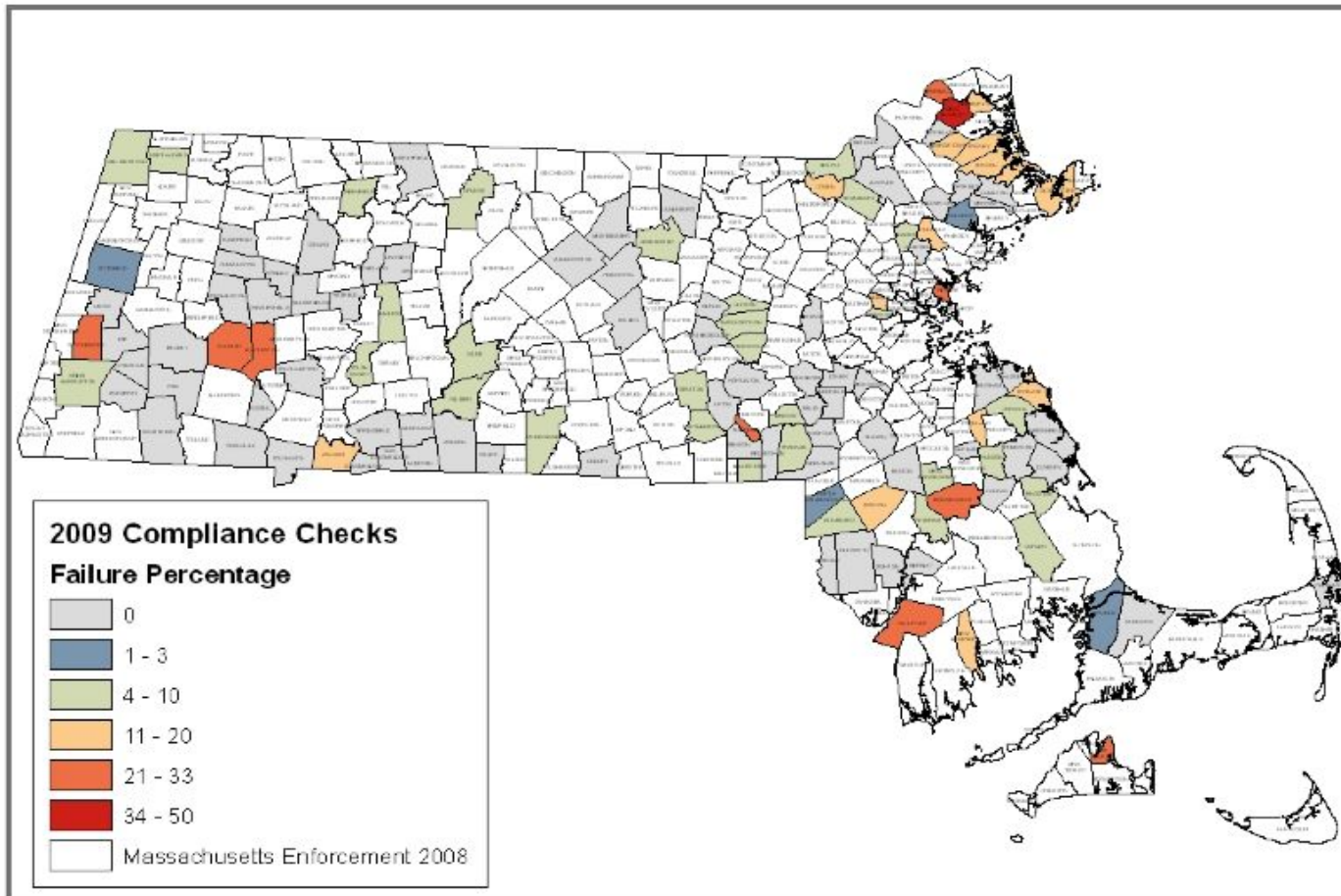
Cops in Shops; Trap Door; Last Call and Controlled Party Dispersal

2008 Compliance Checks



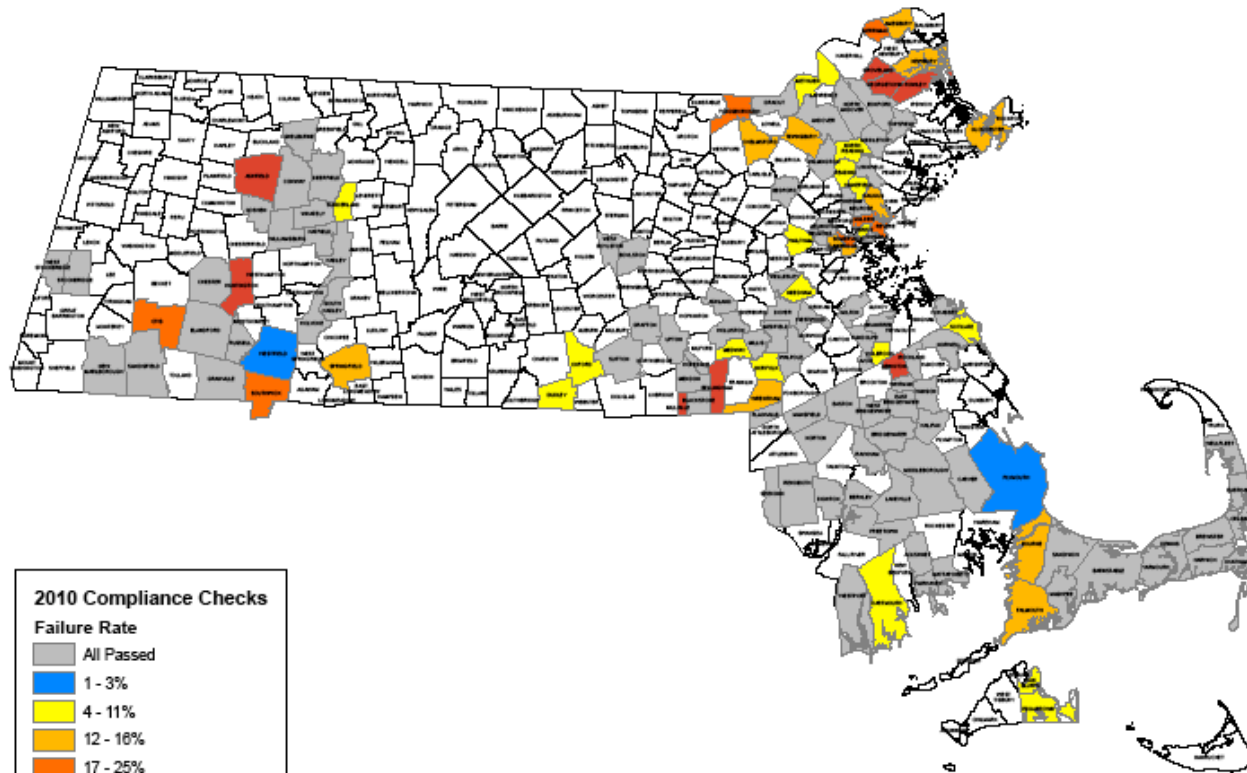
Massachusetts Alcoholic Beverages Control Commission

2009 Compliance Checks



Massachusetts Alcoholic Beverages Control Commission

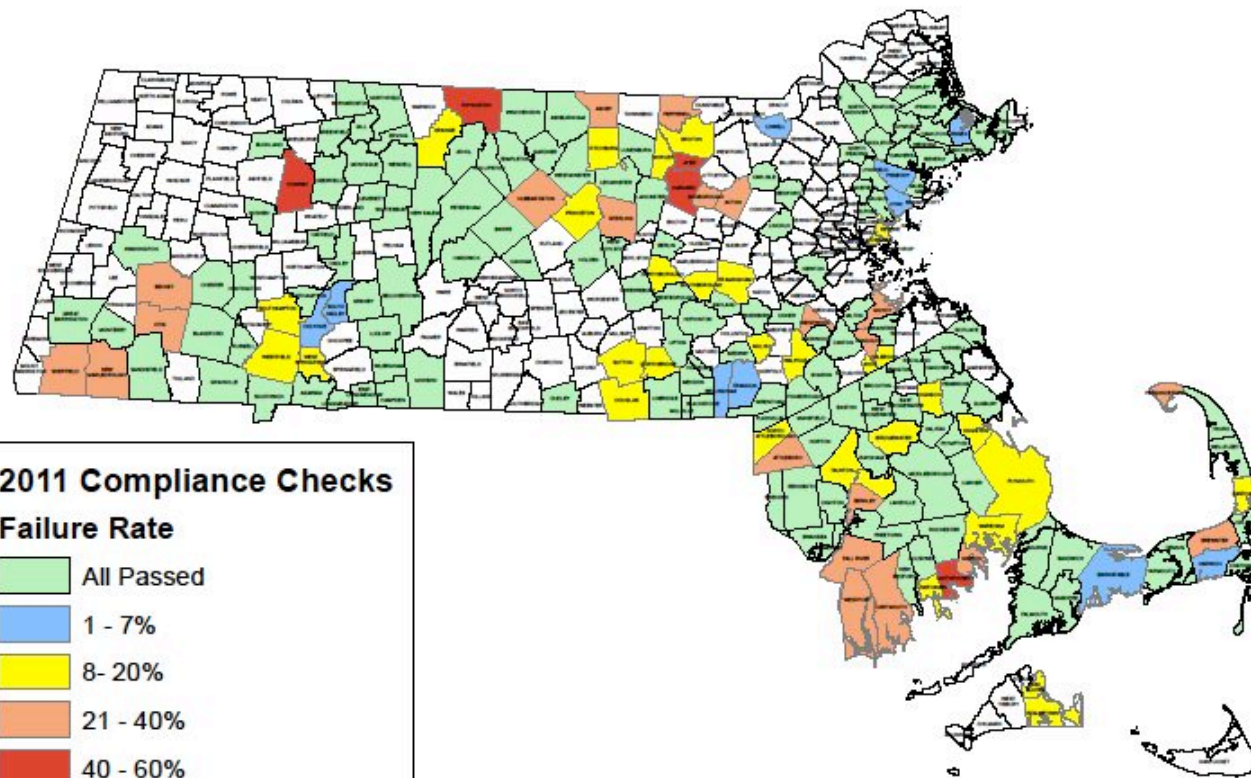
2010 Compliance Checks



2010 Compliance Checks	
Failure Rate	
Grey	All Passed
Blue	1 - 3%
Yellow	4 - 11%
Orange	12 - 16%
Red	17 - 25%
Dark Red	26 - 50%
White	Massachusetts

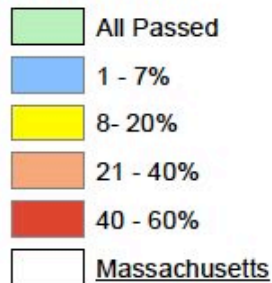


2011 Compliance Checks



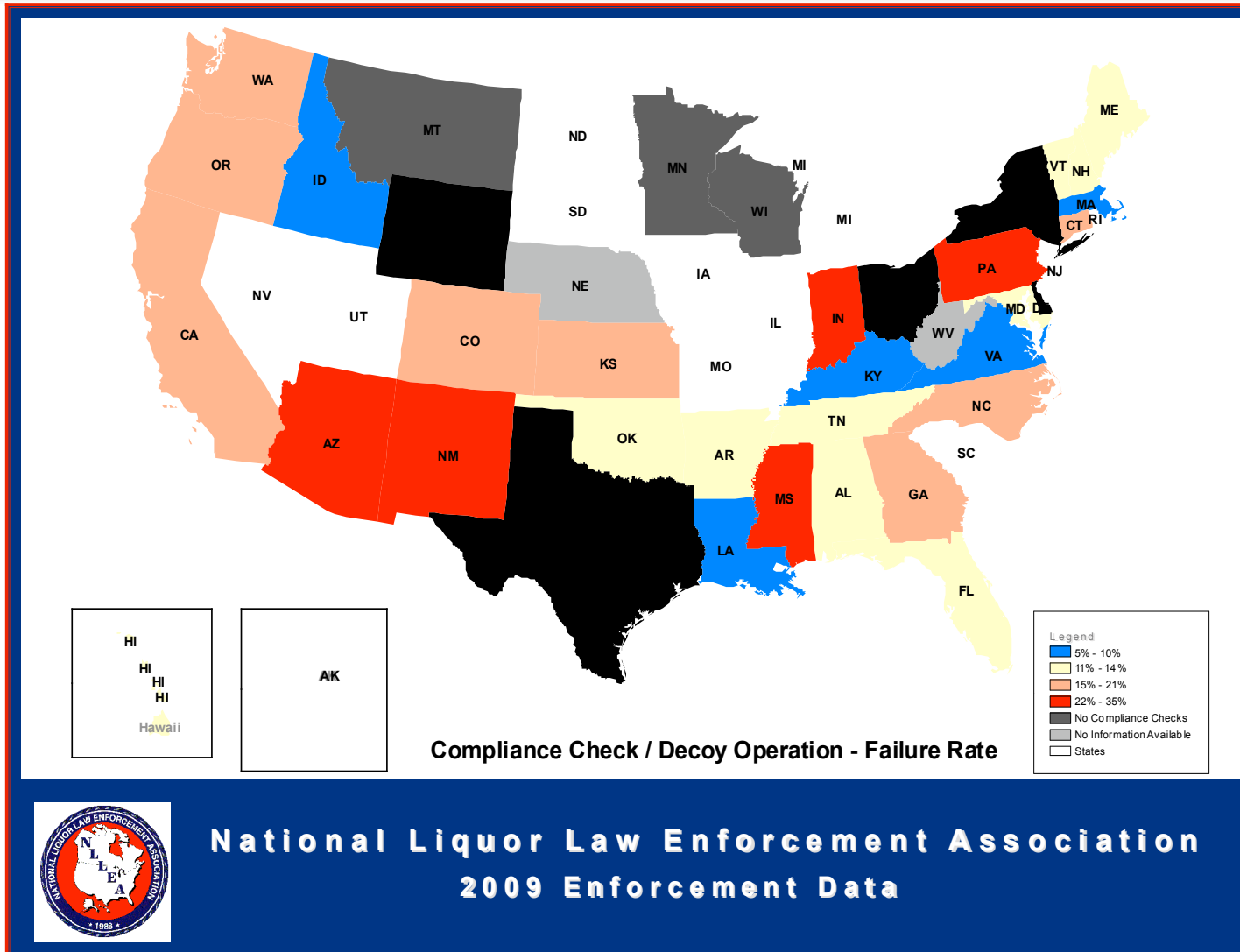
2011 Compliance Checks

Failure Rate



Massachusetts Alcoholic Beverages Control Commission

National Compliance Checks



**National Liquor Law Enforcement Association
2009 Enforcement Data**

Compliance Check Case Law



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



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

Kevin Pashosian
Treasurer and Revenue General

Kim S. Brinshaw, Esq.
Commissioner

COMPLIANCE CHECK GUIDELINES

These guidelines are intended to provide the basic framework which will be used when conducting underage drinking compliance checks on licensee 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 requested in #6.
- 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 supervising them.
- 6) The underage person shall sign a release form prior to starting participation in this 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) Unless circumstances warrant, the underage person shall be given a B.A.C 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 licensee 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 thing 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 licensee premises for a period of time instructed by the ABCC Investigator or law enforcement officer. They should then exit the licensee premises leaving the alcoholic beverage. If served at an off-premise establishment, the underage person shall carry the alcoholic beverage out to the ABCC Investigator and/or law enforcement officer.
- 13) At no time, under any circumstances, shall the underage person consume any alcoholic beverage.
- 14) The safety and welfare of all underage participants will be of the utmost importance to the ABCC Investigator and law enforcement personnel. Underage persons shall not be exposed to any unusual, unnecessary or unreasonable risk.
- 15) The underage person will not wear, exhibit or carry any ABCC or law enforcement identification or falsely represent themselves as an employee of this 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 only enter the premises to observe on an as needed basis 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.

UNDERAGE OPERATIVE: _____ Date: _____

ABCC INVESTIGATOR OR LAW ENFORCEMENT OFFICER: _____ Date: _____

Phone: 617-727-3040 • Fax: 617-727-4254 • Office: 237 Cornhill Street, Boston, MA 02114 • Web: www.mass.gov/abc

Data Driven Enforcement



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



Alcohol Related Incidents in Hyannis 1/1/10 to 8/22/11

Call/Crime Type	Total
OUI	107
Protective Custody	630
Bar Disturbance	32
Liquor Ordinance	191
Minor Transporting	5
Furnishing Alcohol to Minors	2
Minor in Possession of Alcohol	8

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

T-BONES	22 MAIN ST	14
MAIN STREET SPORTS BAR AND GRILLE	39 MAIN ST	7
BRITISH BEER COMPANY	2294 STATE RD	4
BRITISH BEER COMPANY, DOWNTOWN	6 MIDDLE	4
SAM DIEGOS	51 MAIN ST	6
GURU	54 MAIN ST	0
WATERFRONT BAR AND GRILLE	170 WATER ST	10
EAST BAY GRILLE	173 WATER ST	17
CABBYSHACK	30 TOWN WHARF	7

Data Driven Enforcement



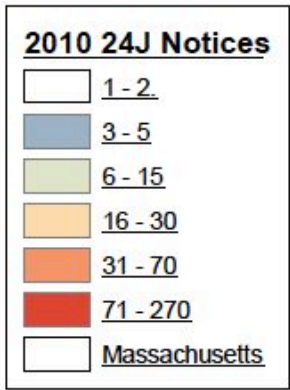
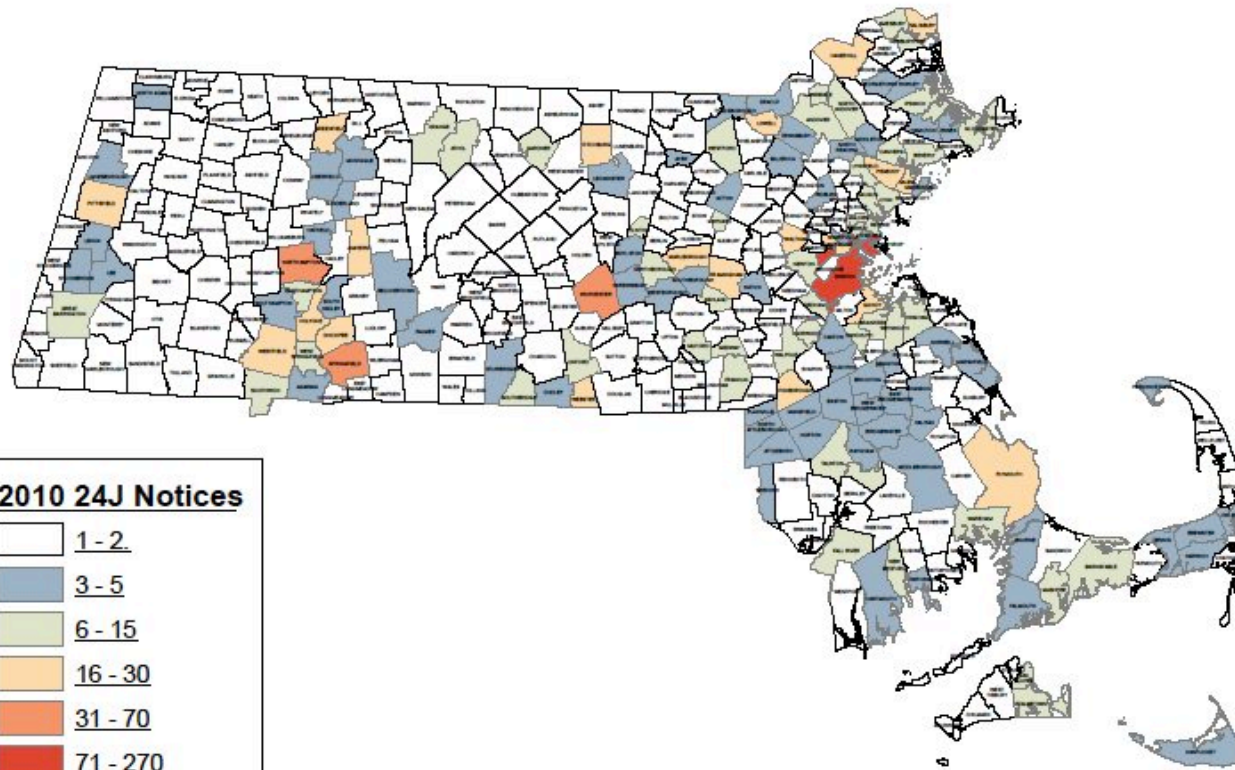
Operation Last Call

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

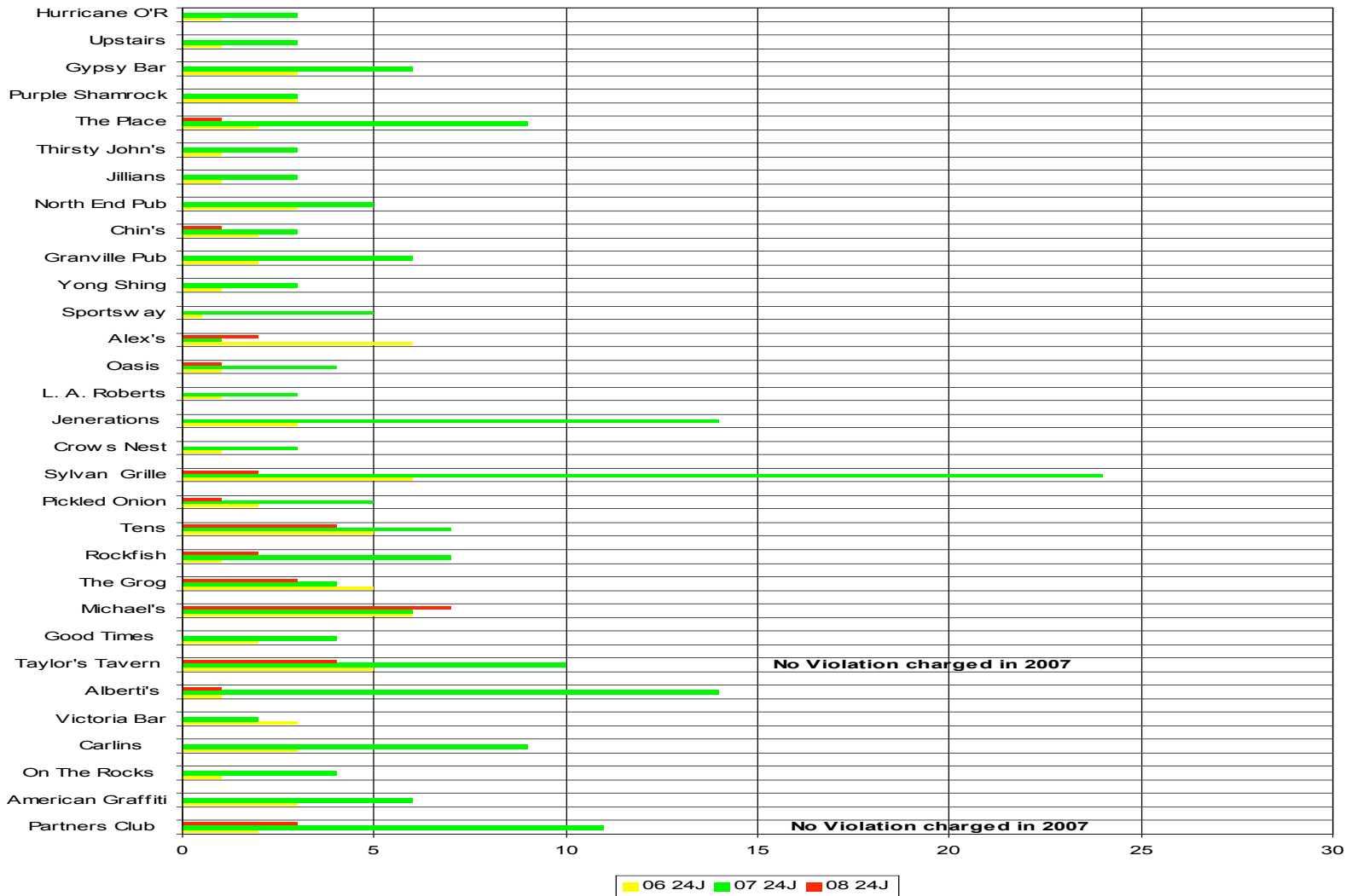


Data Driven Enforcement

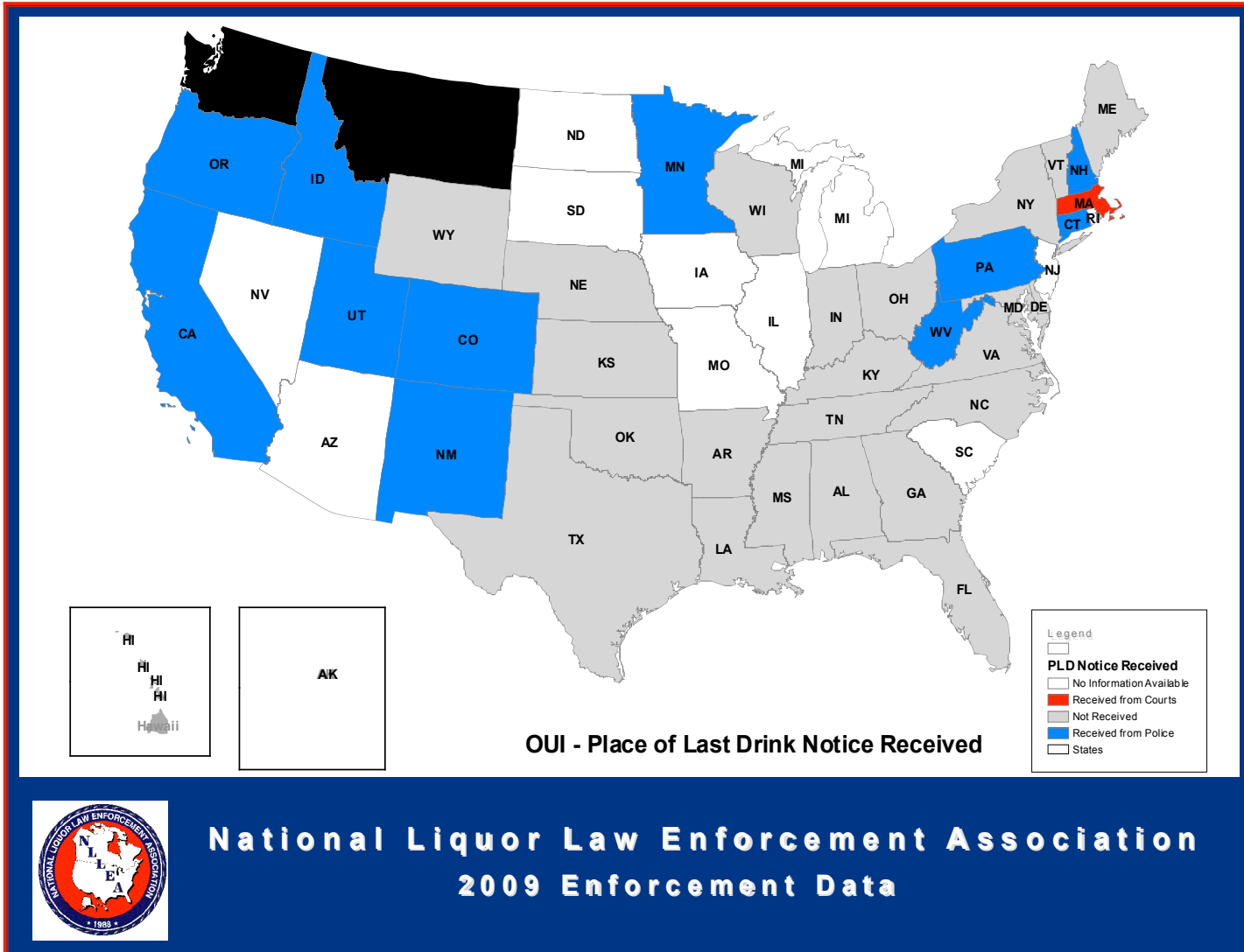


City	Licensee	Address	#	Most Recent
Boston	Fenway Park	4 Yawkey Way	60	2011
Boston	TD Garden	100 Legends Way	51	2011
Springfield	MARDI GRAS	91 TAYLOR STREET	48	2011
Foxboro	Gillette Stadium	Route 1	45	2011
Greenfield	Taylor's Tavern	238 Main Street	45	2011
Ayer	Carlins Restaurant	7 Depot Square	44	2008
Newburyport	Michael's Harborside	Tournament Wharf	40	2009
Salisbury	Ten's Club	11 North End Blvd	40	2011
Newburyport	Thirsty Whale	State Street	38	2011
Newburyport	The Grog	13 Middle Street	35	2010
Peabody	Sylvan Street Grille	12 Sylvan Street	35	2010
Webster	Mario's Showplace	Thompson Rd.	35	2011
Fitchburg	Partner's Pub	970 South Street	33	2009
Worcester	Irish Times	244 Main Street	32	2011
Great Barrington	Bogies Pub	935 S. MAIN ST	30	2010
Oak Bluffs	Season's	19 Circuit Ave	30	2011
Amherst	Monkey Bar & Grille	63 N. Pleasant Street	28	2010
Chicopee	Maximum Capacity	School Street	25	2010
Fitchburg	Center Ice	Airport Rd	25	2010
Oxford	CENTERFOLDS 2000	SOUTHBRIDGE ROAD	25	2011
Peabody	Paddy's Kellys	154 Washington St	25	2011
Salem	O'Neal's	Washington Street	25	2010
Springfield	Salty Dog	280 Bridge Street	25	2009
Whately	Castaway's	Route 5	25	2011
Amherst	McMurphy's Tavern	37 North Pleasant St	22	2010
Cambridge	Middle East Restuarant	472-480 Massachusetts Ave	22	2010
Ipswich	Majestic Dragan	81 Turnpike, Rte.1	22	2010
Beverly	The Press Box	Park Street	21	2010
Boston	Roxy	279 Tremont St.	21	2010
Springfield	FAT CAT BAR	537 - 539 WORTHINGTON ST	21	2011

Data Driven Enforcement



Data Driven Enforcement



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

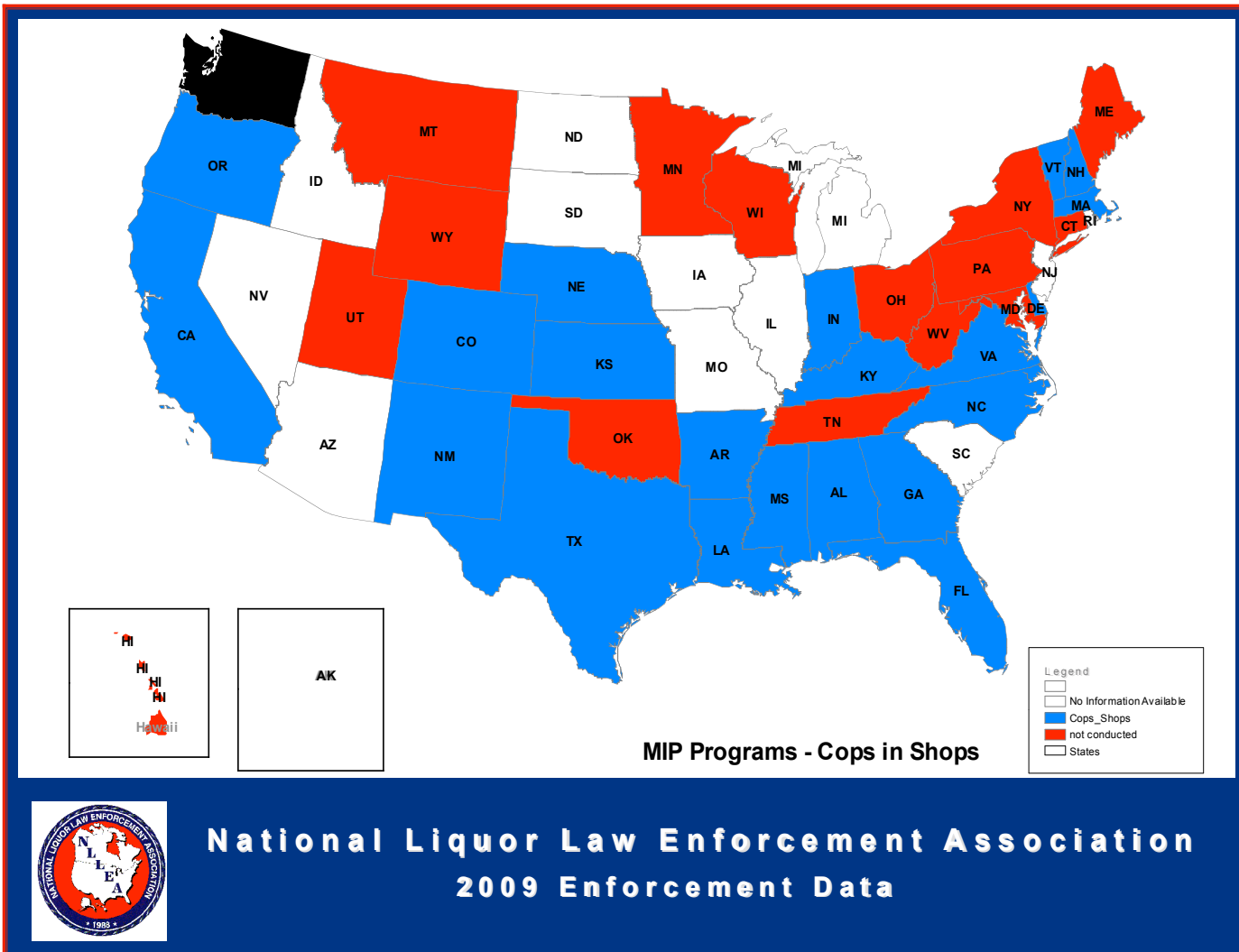
Last Call

Operation Safe Holidays:

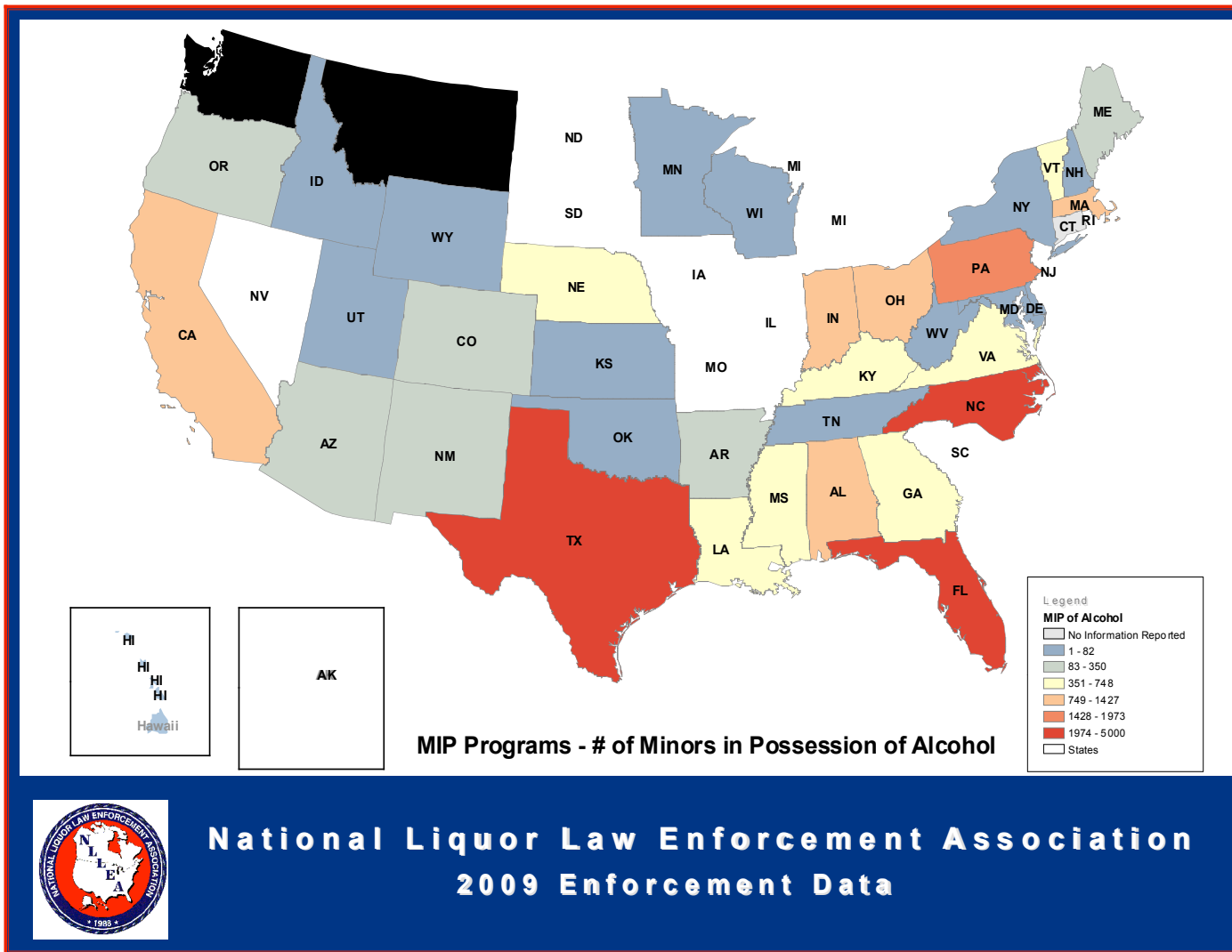
Last Call

Cops in Shops

Enhanced Enforcement

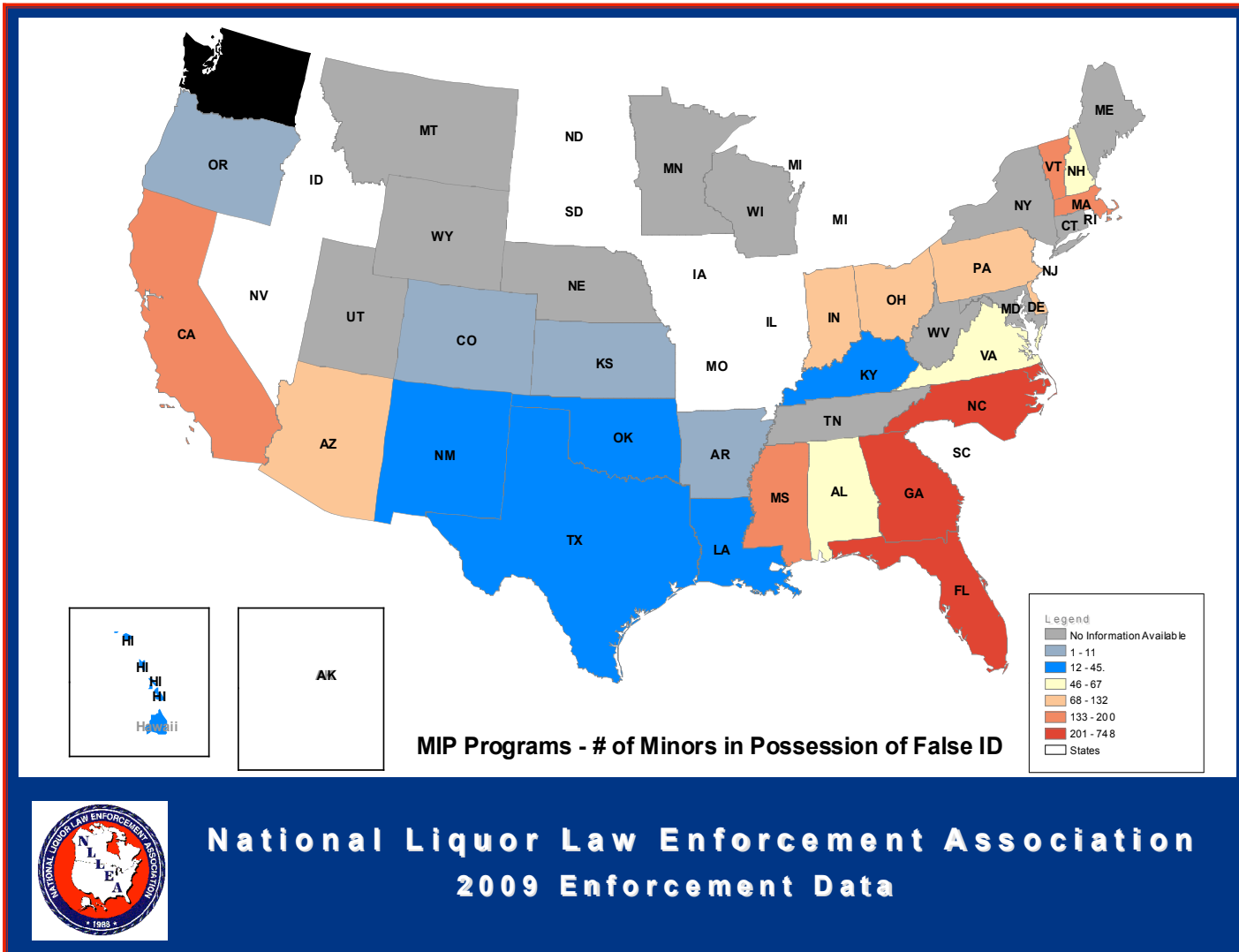


Enhanced Enforcement

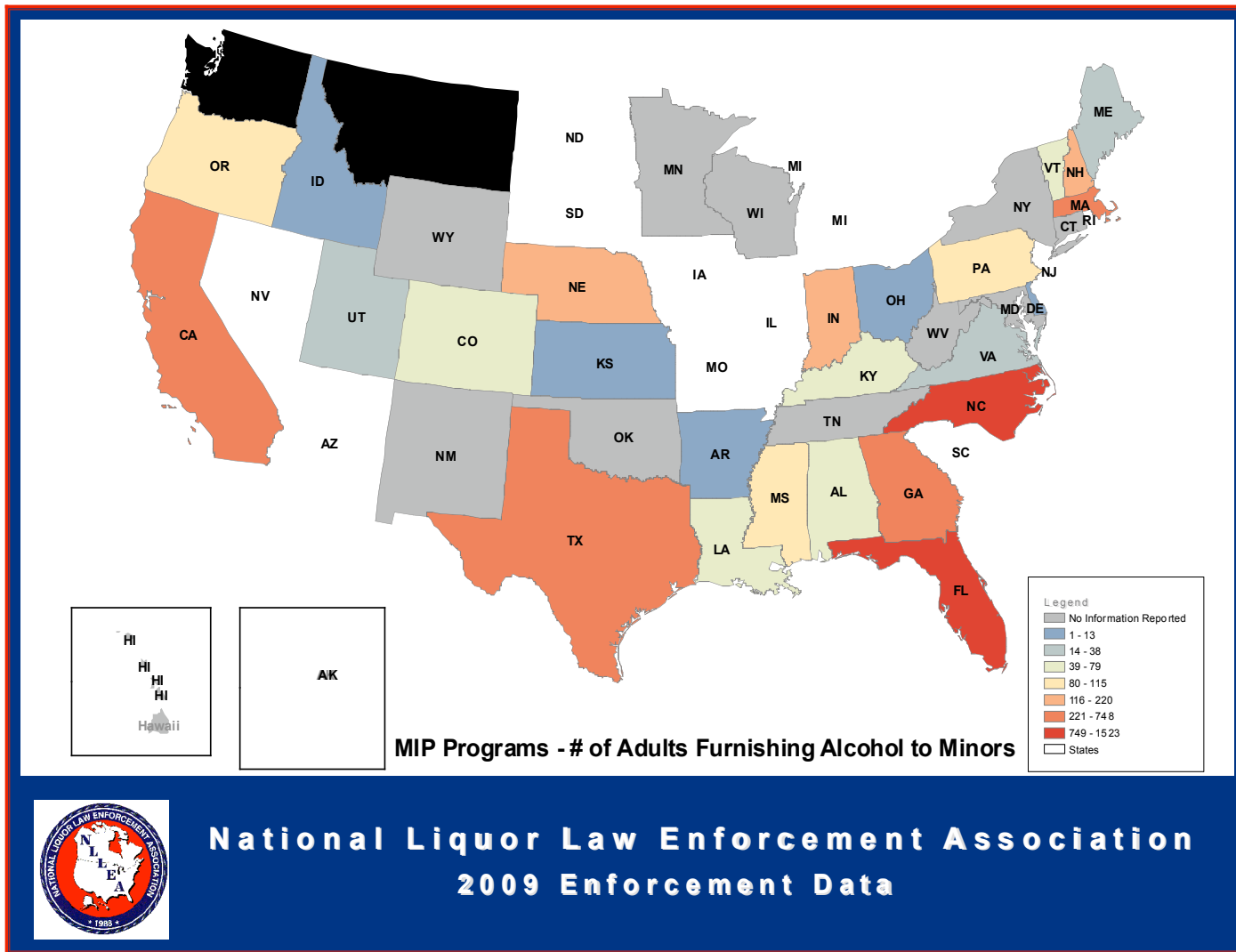


**National Liquor Law Enforcement Association
 2009 Enforcement Data**

Enhanced Enforcement



Enhanced Enforcement



**National Liquor Law Enforcement Association
2009 Enforcement Data**

Source Enforcement



Chief Ted Mahony

fmahony@tre.state.ma.us

617-727-3040 extension 714