



6/4/07-4

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

FILE COPY

Don P. Johnson
Town Manager

May 16, 2007

Acton Indoor Sports Management, Inc.
360 Great Road
Acton, MA 01720

Dear Mr. Mc Glaughlin:

The Board of Selectmen is in receipt of a report from the Police Chief alleging a possible alcoholic beverage service violation at the "Over Times" Bar, Located within your facility. As you will see in the attached report, an intoxicated driver, when questioned, indicated he had been served at your establishment prior to being arrested. In addition, he admitted in Court to being served at the "Over Times" Bar in his plea at Concord District Court.

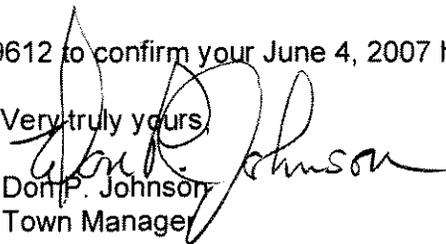
The Selectmen consider this to be a serious violation of the responsibilities of a liquor license holder in the Town of Acton and have ordered a Hearing to determine what action, if any, they will take in this regard.

The Hearing is scheduled for 7:35 PM, on Monday, June 4, 1007 in Room 204 (Faulkner Hearing Room) at the Acton Town Hall. You are requested to appear before the Board at that time to show cause as to why the Selectmen should not take action with respect to your license.

With regard to the upcoming hearing, the Selectmen have specifically directed that, in addition to you, any individual (other than yourself) who may have been on duty and in charge at the time of the alleged March 6, 2007 violation be present and available for questioning by the Board.

Please phone Christine Joyce at (978) 264-9612 to confirm your June 4, 2007 hearing date.

Very truly yours,


Don P. Johnson
Town Manager

Cc: Police Chief

Acton Police Department

InterDepartmental Memo

5/7/07
(19)

6/4/07

From: Frank J. Widmayer, Chief of Police **Date:** April 4, 2007
To: Don Johnson, Town Manager
Subj: Alcohol serving violation at Acton Indoor Sports

Don,

Please see the attached reports regarding the alleged serving violation at the "Over Times" Bar inside Acton Indoor Sports.

I am requesting that the Board of Selectmen call the manager of the establishment in for a review of their license.

Regards,



Frank J. Widmayer
Chief of Police

CHRIS -
PLACE ON CONSENT FOR 5/7
FOR BOS APPROVAL TO CALL THE
MANAGER IN FOR A MEETING WITH
THE BOARD.

From: Frederick Rentschler
Sent: Tuesday, April 03, 2007 12:17 PM
To: Frank Widmayer
Subject: OUI from Acton indoor sports.

Chief,

I am not sure if you have been made aware of this but we arrested a subject right after they left the sports bar inside of Acton Indoor Sports. I believe the name of the bar inside of the sports club is called, "Over-times". Attached please find Off. Lanteigne's report. A brief synopsis of the incident is:

Off. on patrol on Great Rd. 3-06-07 @ 11:38 PM. Makes a m/v stop of a car w/a broken headlight. Detects odor of Alc. coming from oper. Oper. elects to take FST's when offered by P/O. Oper. fails FST's gets arrested, takes BT, register's readings of 16/17. Pleas out in Concord District Court in 3-16-07, Admits to the judge that he had his last drink at a publicly license establishment, that being "Over-times" at the Acton Indoor Sports complex.

Frederick Rentschler

Acton Police Department

**P. O. Box 2212
371 Main Street
Acton, MA 01720
(978) 263-2911
Incident Report
ACT**

Incident Number: 200700004421

File No: N/A

Dispatch Incident Number: 200700004804

Print Date: April 3, 2007

Printed By: frentschler

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Tues	03/06/2007	11:38:00PM		Tues	03/06/2007	11:38:00PM	→	3/6/2007	11:38:00PM	
Reported As MVS 122LMV/Arrest P:004421				Incident Type - Primary OUI Alcohol or Drugs				Arresting Officer PATROL OFFICER David Lanteigne			
Incident Address 145 GREAT RD, ACTON, MA 01720								Reporting Officer			
Sector NOR		Stat. Area North Precinct Map F4		Sub Stat. Area		Census Tract		Landmark			
Business Name N/A						Incident Types - Other Motor Vehicle Violation					

Associated Persons Summary					
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Work Phone #
Arrested	[REDACTED]	[REDACTED] 1964	M	[REDACTED]	N/A
Address: [REDACTED] N. Billerica, MA 01862					

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Persons reported for Incident #: 200700004421			

IBR/UCR Offenses					
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description	Counts
1	90D	90	24	90/24/J / Driving Under the Influence	

Arrest Offenses					
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense	Counts
1	90	24	[REDACTED]	OUI Liquor	1
2	90	7	[REDACTED]	Lights Violation, MV	1

Arrestee Seq. # 1										
Suspect Type		Suspect Name			Alias/Nickname		Occupation			SSN
Named		[REDACTED]			N/A		Accountant			012-56-6501
Date of Birth	Age	Sex	Race	Ethnicity	Skin Tone	Height	Weight	Eye Color	Hair Color	
[REDACTED] 1964	42	Male	Caucasian	Not Hispanic	Fair	69.00	160	Blue	Black	
Scars / Marks / Tattoos / Other Physical Characteristics: No Physical Characteristic Data Reported										

Suspect Seq. # 1				
Suspect Type	Suspect Name			SSN
No Suspect Data Available for Incident #: 200700004421				

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Victims

Victim Type	Victim Name	Sex	Race	Ethnic Origin	Hospital Destination	Transport Description
No Victims reported for Incident #: 200700004421						

Vehicle Info

Vehicle No.	Vehicle Make	Vehicle Model	Vehicle Year	VIN	Primary Color	Secondary Color	Plate No.	State
200700000604	Mitsubishi	Galant	2001	N/A	Red	N/A	122LMV	MA

Property

No Property info reported for Incident #: 200700004421

Citations

Citation No	Code	Date	Status	Statute	Description
M4813032	Arrest	03/06/2007 23:38	Closed	90/24/J	OUI Liquor
M4813032	Arrest	03/06/2007 23:38	Closed	90/7/C	Lights Violation, MV

Narratives for Incident Number 200700004421 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: PATROL OFFICER David Lanteigne Division: Acton Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
03/07/2007 05:36	OUI - Liquor	PATROL OFFICER David Lanteigne	Open		03/07/2007

1.) On Tuesday, March 6, 2007 at approximately 11:38 PM, I, Officer David Lanteigne of the Acton Police Department stopped a vehicle for a defective headlight and unnecessary use of auxiliary lighting (fog lights) and subsequently arrested the operator; [REDACTED] John P DOB [REDACTED] SSN [REDACTED] for operating under the influence of liquor with a later breath test result of .16. I was working an 11:00 PM to 7:00 AM shift in Car-24, a fully marked cruiser. All roads mentioned are public ways in the Town of Acton.

2.) On the above time and date I was traveling west on Great Road when I observed in my rearview mirror a vehicle with a defective headlight. I observed this vehicle to have it's fog lights illuminated and noted there was no inclimate weather present warranting the use of these and only one headlight was properly lighted. I pulled my cruiser to the side of the roadway and allowed the vehicle to pass my location. I then pulled back out into the travel lane, caught back up to the vehicle and immediately pulled it over in the area of Great Road, just west of Acton Toyota. The vehicle was a red Mitsubishi Gallant color red, bearing MA PC [REDACTED].

3.) I approached the driver's side and the operator then opened his window. I immediately noted the odor of alcoholic beverages coming from within the vehicle. The operator was the only occupant and I requested his license and the vehicles registration. The operator then went through his wallet and obtained his drivers license then the glove compartment obtaining the registration. I noted that during these two tasks he displayed poor eye to hand coordination as he fumbled through the contents in his wallet and glove compartment.

4.) I operator was now identified as [REDACTED] John P DOB [REDACTED] SSN [REDACTED]. I asked [REDACTED] where he was going and where he was coming from in which he stated from Acton Indoor and home to Billerica. I asked [REDACTED] how much he had to drink tonight and he stated about 4 beers. I asked him to tell me the approximate time and he stated about 11:30 (time now 11:40). I asked him to tell me his date of birth by month and year only and he stated 6.12. I repeated the question and he answered correctly by stating 6.1964. I noted the odor of alcoholic beverages became stronger as he spoke, his speech appeared to be slurred and his eyes were glassy and bloodshot. I asked [REDACTED] how he would do if I had him perform field sobriety tests and he stated: "so so". I advised him to remain in the vehicle and that I would be right with him.

5.) I advised the dispatcher of his information, requested another officer to assist me and Officer Collins arrived shortly after. I

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returned to [REDACTED] and requested him to step from his vehicle to perform sobriety tests. I advised him that I wanted him to walk to the front of my cruiser then turn around and face me. [REDACTED] then got out of his vehicle and walked about half way between my vehicle and his then turned around. When he did this I observed him to stumble forward and from side to side as he walked and I then advised him to continue to my cruiser as instructed.

6.) I noted the area in which the tests were conducted was a flat, non-slipperely, paved surface that was free from any surface defects. [REDACTED] appeared to be in good physical shape as his height was proportioned to his weight and this can be inferred due to his statement that he was going home from a soccer match that he played which started at approximately 8:00 PM. I asked [REDACTED] if he had any physical impairments or medical conditions which would impede his ability to perform tests of balance and coordination and he stated no. The following standardized field sobriety tests were administer in the following order and explained from a card I carry with me. I noted [REDACTED] was wearing flat bottomed indoor soccer shoes that did not appear to be laced tightly. I gave him the opportunity to lace them tighter and he stated that they were fine and would not affect his ability to perform these tests.

Horizontal Gaze Nystagmus

I explained, demonstrated then administered this test and first noted the lack of smooth pursuit in both eyes (clue 1 & 2). I then noted distinct and sustained nystagmus at maximum deviation in both eyes (clue 3 & 4) and lastly I noted the onset of nystagmus prior to 45 degrees (clue 5 & 6). In my estimation and consistent with my training and experience, he failed this test.

Walk and Turn

I explained and demonstrated the test and asked [REDACTED] if he had any questions and he stated no. I advised [REDACTED] he could begin when he was ready. I then administered the test and noted the following.

Instruction Stage

Balance, he lost this when his heel-to-toe position broke completely apart (clue 1).

Walking Stage

[REDACTED] began and on step 2 he stumbled to the right and stepped completely off the line (clue 2) and raised his arms greater than 6 inches from his sides (clue 3). I also noted that during the first 9 steps and last 9 steps he missed heel to toe on numerous steps (clue 4) and also raised his arms to maintain his balance. In my estimation and consistent with my training and experience, he failed this test.

One Leg Stand

I explained, demonstrated the test and asked [REDACTED] if he had any questions and he stated no. I advised him he could begin when he was ready. I then administered the test and noted the following. [REDACTED] put his foot down of count 2 (clue 1). He then utilized his arms for balance, greater than 6 inches from his sides for most of the test (clue 2). He also swayed in a side to side and back and forth motion during the test (clue 3) and noticeably hopped throughout the test (clue 4). During the test I noted that [REDACTED] counted the number 11 twice and only made it to count 20 during the 30 second test. In my estimation and consistent with my training and experience, he failed this test.

Alphabet

I asked [REDACTED] what his last grade of education was and he stated a master's degree. I then asked him to say the alphabet from the letter "E" to "P". He then began and when he reached the letter "I" he paused for approximately 3 seconds before resuming to the letter "P". In my estimation he passed this test, however, I did note the odor of alcoholic beverages became stronger as he spoke and the odor of alcoholic beverages could be noticeable detected as coming from the area of his mouth.

Countdown

I asked [REDACTED] to start at the number 68 and count backwards to the number 53. He did not have any questions and after starting he only counted down to the number 58. I asked him if he was finished and he stated yes. In my estimation and consistent with my training and experience, he failed this test.

7.) Based upon all of my observations including but not limited to; odor of alcoholic beverages, admissions of consuming alcoholic beverages prior to being pulled over, slurred speech, poor eye to hand coordination, lack of ability to perform fine motor skills, failure of all standardized field sobriety tests and slow and unsteady manner of walking, I formed the opinion that [REDACTED] was operating under the influence of alcohol and his ability to safely operate a motor vehicle was diminished. I advised [REDACTED] that he was under arrest for OUI, handcuffed him then placed him into the rear seat of my cruiser where I later explained him his miranda rights.

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8.) Officer Collins remained with the vehicle until it was towed by Scott's Towing. I transported [REDACTED] to the police department where he was booked and read his statutory right and consent form by Sergeant Cooney. When we arrived at the police station I could detect an odor of alcoholic beverages that was not present within my cruiser prior to [REDACTED] being placed in it. [REDACTED] also stumbled when he exited the cruiser and also while un handcuffed waiting in the holding cell.

9.) [REDACTED] consented to a breath test and the result was a .16. He was issued citation #M4813032 for 90-7 Defective equipment and 90-24 Operating under the influence of liquor. He was explained his right to make a phone call but he refused this and also wished to be held for court in the morning.

Respectfully submitted,

Ptl. David Lanteigne #111
Acton Police Department

Signature - Reporting Officer

Signature - Reviewing Officer

Incident Notes:

Create User ID: [REDACTED]

Date & Time

No Incident Notes Listed