



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Steven L. Ledoux
Town Manager

January 7, 2015

Please place this in the Legal Ad section of the Acton Beacon on Thursday, January 22, 2015:

Bill to: The Red Raven
John Apazidis, Manager
3 Nagog Park
Acton, MA 01720
(978) 274-2231

Please confirm to ltomyl@acton-ma.gov

Regards,

Lisa Tomy
Executive Assistant

**LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on February 9, 2015 at 7:30 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton to review the alcoholic beverages service policies with The Red Raven, John Apazidis, Manager, 3 Nagog Park, Acton MA. .The documentation can be inspected at Town Hall during normal business hours.

Acton Board of Selectmen



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
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Board of Selectmen

January 8, 2015

John Apazidis, Manager
The Red Raven
3 Nagog Park
Acton, MA 01720

RE: Employee Operating Under the Influence

Mr.:Apazidis:

The Board of Selectmen has recently received notification and an Alcoholic Beverages Control Commission report from the Acton Police Chief regarding an incident that took place on January 1, 2014. This incident resulted in one of your employees being placed under arrest for operating under the influence. The Board of Selectmen takes these matters very seriously, especially since the violator had admitted to consuming alcoholic beverages after his work shift after hours.

Therefore, the Board respectfully requests your presence, and any additional parties that may have been involved at that time, at a public hearing on **February 9, 2015 at 7:30 PM** at Acton Town Hall, 472 Main Street, Francis Faulkner Hearing Room, Room 204 to review your current alcohol service policy.

To prepare for this hearing, the Board suggests that you bring or provide ahead of time your current alcoholic beverage service policy and any other material that may be relevant in reviewing your All Alcoholic License.

Regards,

Lisa Tomyl
Executive Assistant
Office of the Town Manager

Cc: Police Chief
ABCC File

Lisa Tomyl

From: Frank Widmayer
Sent: Tuesday, January 06, 2015 4:06 PM
To: Steve Ledoux
Cc: Lisa Tomyl; Mark Hald
Subject: Red Raven Gastro Pub ABCC 24J Notification
Attachments: Red Raven ABCC 24J Notification.pdf

Steve,

1448CR000001	RED RAVEN	3 NAGOG PARK	ACTON, MA. 01720		
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The above information was received from the Alcohol Beverage Control Commission and provides the location of the last drink that a person had who was then subsequently arrested for operating under the influence of alcohol. The date of offense was 1/1/2014 and the arrest was made by the Groton Police Department. I have included a redacted copy of the report.

The offense date was a long time ago but we only get notified on the ABCC schedule that they provide from court records. The interesting aspect of this incident is that the suspect had his last drink at Red Raven Gastro Pub where he is an employee. Based on that aspect I recommend that the Board of Selectmen have the management of Red Raven Gastro Pub in for a hearing on the matter to discuss their policies.

Regards,
Frank

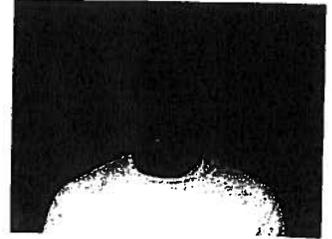
Frank J. Widmayer III
Chief of Police



**Groton Police Department
Arrest Report**

**Arrest #: 14GRO-1-AR
Call #: 14-28**

Date/Time Reported: 01/01/2014 @ 0209
Arrest Date/Time: 01/01/2014 @ 0236
Booking Date/Time: 01/01/2014 @ 0303



OBTN: TGRO201400001
Court: AYER DISTRICT COURT
Court Date: 01/02/2014 @ 0830
Reporting Officer: Patrol KEVIN HENEHAN
Booking Officer: Patrol KEVIN HENEHAN
Approving Officer: Sergeant EDWARD SHERIDAN

Signature: _____

Bail For Court: AYER DISTRICT COURT Set: 01/01/2014 @ 0400
Cash Bail Set 540.00
Cash Bail Set

Bail Set By: OTHER OTHER BAIL BONDSMAN, Joseph Mahoney

Bail Paid:
Released: 01/01/2014 @ 0800

Signature: _____

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
1	RONALD [REDACTED] RD GROTON MA 01450	M	W	47	[REDACTED]	

Military Active Duty: N
HEIGHT: 506 - 507 WEIGHT: 163 - 164 HAIR: BROWN EYES: HAZEL
BODY: MUSCULAR COMPLEXION: LIGHT
DOB: [REDACTED] PLACE OF BIRTH: CHEYENNE, WY
STATE ID: [REDACTED] FBI ID: [REDACTED]
LICENSE NUMBER: MA [REDACTED] ETHNICITY: NOT HISPANIC
PCF #: NONE

[APPEARANCE]

SWEATERS/COATS/JACKETS: MEDIUM LENGTH
SHOE: BOOTS - UNSPECIFIED
GLASSES WORN: NO

SCARS: SC RF ARM(6 INCH SCAR), SC L THGH(STAB WOUND), SC UR ARM(SHOTGUN BLAST)
SC L FT(BULLET WOUND), SC LIP(INCH), SC L SHLD(SNAP LINE)
TATTOOS: TAT R CALF(GODDESS OF WIND), TAT BACK(TARGET CALL), TAT BACK(SYMBOL)

ALIAS LAST NAME	FIRST NAME	MIDDLE NAME	SSN	DOB
[REDACTED]	RONALD		NOT AVAIL	NOT AVAIL
[REDACTED]	RONALD	D	NOT AVAIL	NOT AVAIL

Groton Police Department
Arrest Report

Arrest #: 14GRO-1-AR
Call #: 14-28

DEFENDANT(S) SEX RACE AGE SSN PHONE

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: DIVORCED

FATHER'S NAME: [REDACTED]
MOTHER'S NAME: [REDACTED]

OCCUPATION: CHEF

[RIGHTS/BOOKING CHECKS]

RIGHTS ADVISED BY: Patrol KEVIN T HENEHAN DATE/TIME: 01/01/2014 @ 0254
PHONE USED: Y PHONED DATE/TIME: 01/01/2014 & 0238
ARRESTEE SECURED: Y 01/01/2014 0410
ARRESTEE CELL #: 1

FINGERPRINTED: Y
PHOTOGRAPHED: Y
SUICIDE CHECK: Performed
PERSONS: State&Federal
NCIC VEHICLE CHECK: Not Performed
INJURY OR ILLNESS: N

OFFENSE(S) ATTEMPTED TYPE

LOCATION TYPE: Residence/Home/Apt./Condo Zone: Groton Sector 2
[REDACTED]
GROTON MA 01450

- | # | OFFENSE(S) | ATTEMPTED | TYPE |
|---|-------------------------------------------------------------------------------------------------------------------------------------------|-----------|-------------|
| 1 | OUI LIQUOR, 3RD OFFENSE
90/24/L
OCCURRED: 01/01/2014 0209
REFER TO CITATION#: R4118431
SUSPECTED OF USING: Alcohol | N | Felony |
| 2 | SPEEDING IN VIOL SPECIAL REGULATION
90/18/A
OCCURRED: 01/01/2014 0209
REFER TO CITATION#: 4118431
SUSPECTED OF USING: Alcohol | N | Violation |
| 3 | HEADLIGHTS, FAIL DIM
540CMR2205
OCCURRED: 01/01/2014 0209
REFER TO CITATION#: R4118431
SUSPECTED OF USING: Alcohol | N | Violation |
| 4 | UNLICENSED OPERATION OF MV
90/10/A
OCCURRED: 01/01/2014 0209 | N | Misdemeanor |

Groton Police Department

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NARRATIVE FOR PATROL KEVIN T HENEHAN

Ref: 14GRO-1-AR

Entered: 01/01/2014 @ 0622 Entry ID: KH3006
Modified: 01/01/2014 @ 1843 Modified ID: KH3006
Approved: 01/02/2014 @ 1359 Approval ID: ES2003

On Tuesday, December 31, 2013, I, Officer Kevin Henehan was assigned to uniformed patrol duties in a marked police vehicle #1 for the Town of Groton. I was working the 11:00 PM to 7:00 AM shift and was assigned to sector #2.

On Wednesday, January 1, 2014, at approximately 2:09 AM I was traveling southbound on Townsend Road when a vehicle bearing MA REG# [REDACTED] (2010, Suba Imprez Hatch, White) approached my location traveling southbound. I observed that the vehicle had its headlight high beams on as it closed in on my location. The operator dimmed his high beams approximately 30 feet before he passed my location. I also estimated that the vehicle was traveling at a high rate of speed, approximately 45 mph. The cruiser front radar displayed a reading of 47 mph. The posted speed limit on this section of Townsend Road was 35 mph.

I turned around my vehicle, activated my blue emergency lights and siren signaling for the vehicle to pull over. The vehicle did not slow down nor attempt to pull over as I followed directly behind it for approximately one quarter mile. There were no other vehicles on the roadway at this time. The vehicle turned right and pulled up a long steep driveway at [REDACTED] Road. I continued to follow the vehicle with my blue emergency lights activated. I shut off my siren. The vehicle came to a complete stop at the very top of the driveway. My cruiser was positioned directly behind the vehicle approximately 20 feet away.

Before I was able to radio dispatch my location, the operator exited the vehicle from the driver side. I exited the vehicle and instructed the operator to remain seated in his vehicle and that he was being stopped for a motor vehicle infraction. The operator sat back into the front seat of the vehicle which was still running but was in park. I radioed dispatch and advised them of my location.

As I approached the operator he sat slumped over in the front seat with the driver side door remained open. He was the only occupant in the vehicle. I immediately detected a strong odor of an alcoholic beverage emanating from his person. I observed his eyes to be watery and bloodshot. Before I could explain why I had stopped his vehicle, he blurted out that he was sorry for not stopping but he has to urinate badly and feared that he would have an accident. When he spoke he slurred slightly. I asked if he saw my blue emergency lights and if he was aware that I was attempting to stop his vehicle. He again, apologized, stated that he knew he was speeding but he was trying to make it home to urinate.

At this time I requested his license and vehicle registration. I advised him that I had stopped his vehicle for traveling 47 mph in a 35 mph zone and for failing to dim his headlight high beams for oncoming traffic. The operator advised that he does not possess a valid MA license nor any license at all. He identified himself as Ronald [REDACTED] of [REDACTED] Road, Groton ([REDACTED]). Mr. [REDACTED] explained that he was unable to obtain a MA license due to an ongoing child support payment issue with the state of Michigan. As he spoke he had difficulty focusing and would ramble about the unfair child support laws of Michigan, then mid sentence state that he just wanted to go home and see his three children. I advised him to remain in his vehicle while I returned to my cruiser.

Mr. [REDACTED] requested permission to exit his vehicle to urinate on the tree line of his property. I permitted him to do so. As Mr. [REDACTED] exited his vehicle he was unsteady on his feet.

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NARRATIVE FOR PATROL KEVIN T HENEHAN

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I returned to my cruiser and requested an additional unit meet me at my location. Dispatch ran a license status check on Mr. [REDACTED] and confirmed that he did not possess a valid MA license. Dispatch advised that he was assigned MA A# [REDACTED] and had a MA driver history. On 6/30/12 Mr. [REDACTED] was charged with operating a motor vehicle without a valid license. I was the arresting officer.

I approached Mr. [REDACTED] and asked where he was coming from. He advised that he was a Chef at the Red Raven restaurant in Acton, MA and that he had been working all day. I asked if he had any alcohol to drink this evening. He advised that after his shift ended at approximately 11:30 he had one glass of champagne and one shot of burnett vodka. Later on during conversation, Mr. [REDACTED] also admitted to consuming two beers. He advised that he did not have anything to eat all day.

I advised Mr. [REDACTED] that I would like him to perform Field Sobriety Tests in order to ensure that his ability to operate a motor vehicle was not impaired. He agreed to do so.

It was very cold outside with the temperature in the low to mid teens. Mr. [REDACTED] was wearing jeans, a white sweatshirt over a t-shirt, a black north face jacket and brown, flat rubber sole hiking boots. The driveway area was partially covered in ice. I located a section of the driveway area near the tree line that was level, crushed gravel which was free of foreign matter and was not covered in ice. The area was approximately 30 feet to the left of Mr. [REDACTED] vehicle. The area was illuminated by my cruiser headlights. I shut off my front blue emergency lights and lowered my spotlight to face the ground.

All tests were demonstrated and explained prior to Mr. [REDACTED] attempts. I did not start each test until Mr. [REDACTED] stated that he understood the directions.

Sgt. Edward Sheridan arrived on scene.

As I stood in close proximity to Mr. [REDACTED] I detected a strong odor of an alcoholic beverage emanating from his breath. I asked him if he had any eye problems or if he wore glasses or contacts. I asked him if he had been taking any medication, either prescription or over the counter or if he was under the care of a doctor. He stated he was not. Finally I asked Mr. [REDACTED] if he had any problems with his legs, ankles or feet or any other medical condition that would prevent him from performing the Field Sobriety Tests. He stated that throughout his military service he had suffered a number of injuries to his legs, shoulder and feet which may effect his balance. When asked, Mr. [REDACTED] stated he does not use a cane and is able to walk without a limp. He agreed to attempt to perform the following Field Sobriety Tests in order:

Horizontal Gaze Nystagmus: I observed Mr. [REDACTED] eyes to have equal pupil size and equal tracking. I also observed a lack of smooth pursuit in both eyes and a distinct nystagmus at maximum deviation in both eyes.

Walk and Turn: Due to the fact that there was no painted line for Mr. [REDACTED] to walk on, I instructed him to imagine a straight line and to follow it to the best of his ability. I demonstrated the instruction stance and requested that Mr. [REDACTED] stand in the instructed position with his right foot in front of his left, right heel touching left toe with his hands down by his side. Mr. [REDACTED] attempted this position but was unable to maintain his balance, stumbling over to the side and breaking the stance. Mr. [REDACTED] advised that he was medically unable to perform this test.

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One Leg Stand: While standing stationary in the instructional stance, with his feet together and his hands by his side, Mr. [REDACTED] was swaying from left to right. Once the test began, he held his foot up for and counted from one thousand and one to one thousand in four before falling over to his side putting his foot down. I advised Mr. [REDACTED] that the test was completed as I was concerned that he may injure himself.

Alphabet Test: I asked Mr. [REDACTED] if he understood the English alphabet. He stated that he did. I instructed him to recite the alphabet from "D" as in Dog to "W" as in Walter. Mr. [REDACTED] looked at me and said from "D" to "W" as in dog? I repeated the instructions. Mr. [REDACTED] proceeded to stand in the instructed One Leg Stand Test position with his hands by his sides and one leg raised approximately six inches off the ground. He quickly recited from "A" to "T" then jumped to "Z" before losing his balance and falling to his side. While reciting he slurred his words in a blur as he attempted to quickly recite the alphabet.

PBT: The last Field Sobriety Test I offered was the Portable Breath Test device. The result for PBT test #00232 was 0.117.

Based on all the above, I formed the opinion that Mr. [REDACTED] was operating a motor vehicle under the influence of liquor. He was placed under arrest, handcuffed (double locked) and placed into the rear of my cruiser.

Mr. [REDACTED] vehicle was not towed as the vehicle was registered to his girlfriend, Ms. [REDACTED] who resides at [REDACTED] Road where the vehicle was parked.

I transported Mr. [REDACTED] to the Groton Police Station for booking. While enroute to the station I detected odor of an alcoholic beverage emanating from the rear of my cruiser which was not present prior to Mr. [REDACTED] being placed there for transportation.

During the transport, Mr. [REDACTED] advised that his shoulder had partially separated and that he was in pain. He advised that this was a common occurrence and that he would be able to reset his shoulder with my help at the station. I advised that I would request Groton EMS to meet us at the station to attend to his injury.

At the station Mr. [REDACTED] was booked in the usual manner and afforded all applicable rights. He was advised of his Miranda warning rights which were read to him and signed by him indicating that he understood his rights. Mr. [REDACTED] was also advised of his rights detailed on the Statutory Rights and Consent Form. He acknowledged that he understood these rights and elected to take the chemical test. He signed the Statutory Rights and Consent Form indicating his acknowledgement of these rights (see attached).

Groton EMS personnel arrived on scene and evaluated Mr. [REDACTED] injury. Mr. [REDACTED] had already reset his shoulder and advised that he did not require further medical treatment. He signed the medical treatment refusal waiver which was witnessed by Sgt. Edward Sheridan.

As a certified operator, I administered the chemical test to Mr. [REDACTED]. The test was performed on a Alcotest 9510 ARBK-0079 Breath Test Machine that is currently certified and I have every reason to believed that it was functioning properly. I entered Mr. [REDACTED] information into the Breath Test unit and waited the fifteen minute observation period. During the observation period, Mr. [REDACTED] did not vomit, hiccup or cough. Once the observation period ended I proceeded to administer the test to Mr. [REDACTED]. I could smell a strong odor of

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NARRATIVE FOR PATROL KEVIN T HENEHAN

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an alcoholic beverage emanating from Mr. [REDACTED] breath and he swayed slightly while standing next to me. The results of the test were: 0.125% for his first breath sample, 0.078% for the calibration check and 0.124% for the second breath sample. Mr. [REDACTED] was advised of the results and provided a copy which included a notice of suspension.

During the booking process I reviewed Mr. [REDACTED] Interstate Identification Index (iii). I discovered that he was charged with OUI on 3/15/1998 by the Huntsville Police Department, Alabama (case #086530). The disposition was listed as remanded. He was also charged with OUI on 3/15/2008 by the Rangeley Police Department, Maine. There was no disposition listed. When asked, MR. [REDACTED] advised that he plead guilty of OUI in Alabama and was found guilty of OUI in the state of Michigan, not Maine. I was unable to further clarify see attached iii). As a result, Mr. [REDACTED] was charged with OUI, 3rd Offense.

Mr. [REDACTED] was issued Massachusetts Uniform Citation R4118431 in hand charging him with violating (M.G.L. c. 90 s. 24L) Operating a Motor Vehicle Under the Influence of Liquor, 3rd Offense, (M.G.L. c. 90 s. 10) Operating a Motor Vehicle Unlicensed, (M.G.L. c. 90 s. 18) Speeding and (CMR 540 22.05) Failure to dim headlight high beams to oncoming traffic.

At approximately 8:00 AM, Bail Commissioner Joseph Mahoney released Mr. [REDACTED] on cash bail (\$540.00). Mr. [REDACTED] was given his property and signed the GPD Property Release Form. He was released to the custody of Ms. [REDACTED].

End of report.

Groton Police Department

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SUPPLEMENTAL NARRATIVE FOR SERGEANT EDWARD P SHERIDAN

Ref: 14GRO-1-AR

Entered: 01/01/2014 @ 1912 Entry ID: ES2003
Modified: 01/01/2014 @ 1956 Modified ID: ES2003
Approved: 01/02/2014 @ 1359 Approval ID: ES2003

On January 1, 2014 at approximately 0209 hrs. I responded in marked cruiser #2 to assist Officer Henehan on a motor vehicle stop at [REDACTED] Rd.. Upon arrival I observed his cruiser blue lights at the top of a long driveway. I drove up the driveway where he had a white Subaru Impreza, Ma. [REDACTED] stopped. There was a lone occupant later id'd as Ronald [REDACTED] sitting in the driver's seat.

I approached Officer Henehan and he advised that the operator had no license and there was an odor of an alcoholic beverage emanating from the vehicle. I then greeted the operator and standing about three feet away smelled a strong odor of an alcoholic beverage. Mr. [REDACTED] did freely admit to consuming alcohol after work.

Officer Henehan advised Mr. [REDACTED] that he would like him to perform some Field Sobriety Tests. Mr. [REDACTED] agreed to do so. The weather was cold and there were icy spots throughout the driveway area. Officer Henehan found a level and not covered with ice area a short distance away. Mr. [REDACTED] walked to the spot to begin the tests. I stood about ten feet the left of Mr. [REDACTED] while he performed the tests.

Both cruiser blue lights were to the rear and Officer Henehan's headlights and spotlight turned toward the ground illuminating the area.

Officer Henehan performed HGN. I observed Mr. [REDACTED] swaying from side to side while this test was being performed.

The next test offered was the Walk & Turn. Mr. [REDACTED] advised Officer Henehan of numerous injuries he had sustained during his military career. Because there was no painted line in the area, Officer Henehan advised him to imagine there was a line and to follow it as best he could. He was put in the instructional stance but swayed off balance and could not perform this test.

The One Leg Stand was offered next. Mr. [REDACTED] was swaying while listening to Officer Henehan's instructions. Mr. [REDACTED] put his foot down at 4/1000 and the test ended.

The Alphabet was the next test. Officer Henehan asked Mr. [REDACTED] if he understood the English alphabet and he stated he did. He was advised to recite the alphabet starting with "D" as in dog and ending with "W" as in Walter. Mr. [REDACTED] asked Officer Henehan "from D to W as in dog?" Officer Henehan again advised him of the instructions for the alphabet test. Mr. [REDACTED] then proceeded to get in the instructional stance for the One Leg Stand, raised his leg and recited the alphabet from A to T then jumped to Z. He then lost his balance and fell to the side slightly.

Officer Henehan then administered a PBT with a result of 0.117. Subsequently Mr. [REDACTED] was placed under arrest for OUI.

While at the scene he was given the chance to call home and his girlfriend provided enough bail money to cover the BC's fees. Since the vehicle was parked at the house it was simply left in the driveway.

After being transported to GPD, Mr. [REDACTED] advised that his left shoulder partially separated while enroute to the station. Groton EMS was called to the booking desk to evaluate him. They checked him and he signed a refusal waiver. He advised that due to previous injuries his shoulder pops out all the time. He actually leaned against a hard surface to pop it back in place. He said he does it all the time.

Mr. [REDACTED] was given all of the applicable rights and agreed to take the BT test. The test results were 0.125 and 0.124. He advised that he pled out and or was found guilty of two previous OUI's in Alabama and Michigan. A Triple I was run and it does show two previous OUI's. He was subsequently charged as an OUI 3rd at this time. Mr. [REDACTED] advised he cannot get a license due to owing child support in the State of Michigan.

Bail Commissioner Mahoney set bail at \$540.00. He was later released on bail.