



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

**Board of Selectmen**

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

The Acton Board of Selectmen will hold a public hearing on September 19, 2016 at 7:20 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton for an order to show cause for an alleged over service incident and liquor license violation M.G.L. 138 §12 at The Red Raven, 5 Nagog Park Drive, 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  
Telephone (978) 929-6611  
Fax (978) 929-6350

**Steven L. Ledoux**  
Town Manager

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August 10, 2016

BY HAND DELIVERY

Mr. John Apazidis  
Red Raven Gastropub  
5 Nagog Park  
Acton, MA 01720

**RE: Red Raven Gastropub Alleged Over Serving Incident – Order to Show Cause**

Dear Mr. Apazidis:

The Board of Selectmen (the "Board") has received a complaint from the Acton Chief of Police that the Red Raven Gastropub was the last point of service prior to a patron being arrested for operating under the influence of alcohol by the Acton Police Department on July 7, 2016 at 5:08 PM. I have enclosed the information obtained by the Acton Police Department and the Board concerning that incident.

The Board orders that you and anyone that was on duty at the Red Raven Gastropub at the time and date of the alleged incident be present, available for questioning by the Board, and show cause why the Board should not impose appropriate discipline, including possible suspension, at the Board's meeting on **September 19, 2016 at 7:20 PM** in Room 204 of Acton Town Hall. The Board requests that you preserve any video or receipts that may be presented at the hearing if available. You are welcome, but in no way obligated, to present any relevant witnesses and have counsel represent you.

If you have any questions or concerns related to this Order or hearing, please contact me in the Town Manager's Office at 978-929-6611, or via email at [ltomyl@acton-ma.gov](mailto:ltomyl@acton-ma.gov)

Very truly yours,

Lisa Tomyl  
Executive Assistant  
Office of the Town Manager

cc: Red Raven, Inc. Local Licensing Authority ABCC File (copy)  
Chief Frank J. Widmayer III, Acton Chief of Police (by email)  
Nina Pickering-Cook, Anderson & Kreiger (by email)

BY HAND DELIVERY

Delivered by: Lt. Edward Lawton

Date: 8-10-10

Received by: 

Date: 8/10/10

**Acton Police Department**

P. O. Box 2212  
 371 Main Street  
 Acton, MA 01720  
 978-263-2911



Incident Number: 2016000017932

File No: N/A

Dispatch Incident Number: 2016000019352

Print Date: August 11, 2016

Printed By: rburrows

**Incident Report**

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Wed	08/10/2016	3:56:54PM		Wed	08/10/2016	3:56:54PM	→	8/10/2016	3:56:54PM	
Reported As Summons/Subpoena/Paperwork Service P...				Incident Type - Primary Summons/Subpoena/Paperwork Service				Arresting Officer			
Incident Address 5 NAGOG PARK DR, ACTON, MA 01720							Reporting Officer Lieutenant Edward Lawton (56EL)				
Sector NOR		Stat. Area North Precinct Map B4		Sub Stat. Area		Census Tract		Landmark			
Business Name N/A				Incident Types - Other				Action Taken OTHER			

Associated Persons Summary							
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #	
Property Owner	Apazidis, Jennifer	2/24/1978	F	(617) 851-9264	(617) 851-9264	N/A	
Address:		3 NAGOG PARK DR, ACTON, MA 01720					

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Lieutenant	Edward M Lawton	Reporting Officer	Acton Police Department
Lieutenant	Edward M Lawton	Responding Officer	Acton Police Department

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

08/10/2016 15:59:26

56EL Advised Summons served to Red Raven to appear at Board of Selectmens meeting.

**From:** [Steve Ledoux](#)  
**To:** [Lisa Tomy](#)  
**Subject:** FW: Acton - Red Raven - redacted reports  
**Date:** Friday, August 05, 2016 3:07:11 PM  
**Attachments:** [Police Reports - Red Raven - Renault - Sales Slip Beer menu - Red Raven \(redacted\) \(A0384685x80BA5\).pdf](#)  
[Police Reports - Red Raven - Renault - mtc version \(redact\) \(A0384690x80BA5\).pdf](#)  
[Police Reports - Red Raven - Red Raven OS Docket sheet \(redacted\) \(A0384678x80BA5\).pdf](#)

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Steven L Ledoux  
Town Manager  
472 Main Street  
Acton, MA 01720  
Telephone (978) 929-6611

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

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**From:** Frank Widmayer  
**Sent:** Friday, August 05, 2016 2:53 PM  
**To:** Steve Ledoux  
**Cc:** Rich Burrows; Frederick Rentschler  
**Subject:** FW: Acton - Red Raven - redacted reports

Steve,

I have attached pertinent information regarding an alleged overserving situation that occurred at the Red Raven. The documents have been redacted by Town Counsel at my request. The pending court case against the operator of one of the vehicles has been settled.

I recommend that you schedule the owner(s) of Red Raven for a hearing in front of the Board of Selectmen to discuss it.

On the date of the incident, one of the owners was requested to save the original receipt and any video that may be needed as evidence at the hearing.

Regards,  
Frank

Frank J. Widmayer III  
Chief of Police

The Red Raven Gastropub REDACT  
3 Nagog Park  
Acton Ma. 01720  
978-274-2231

The Red Raven Gastropub

Server: BARIB 07/08/2016  
10/1 5:34 PM  
Guests: 1 10001  
Reprint #: 4

Troegs Perpetual IPA DFT (2 @7.00) 14.00  
Ballast Point (5 @9.00) 45.00  
Brisket Sandwich 12.00  
Fish Taco 15.00

Subtotal 86.00

ST&LDC LIQ 7% Tax 4.13  
ST&LDC FOOD 7% Tax 1.89

Total Tax 6.02

Total 92.02

REDACT 92.02

Gratuity 25.00

Total REDACT 117.02

Balance Due 0.00

Thank You for choosing  
The Red Raven Gastropub  
as your destination today!  
www.RedRavenActon.com  
Facebook.com/RedRavenActon

*here @  
12:00 PM*

# - BEER -

## DRAUGHT

- Allagash White (5.%) WITBIER \$7
- Ballast Point Sculpin IPA AMERICAN IPA (7%) \$9 X 5
- Baxter Brewing Stowaway IPA AMERICAN IPA (6.9%) \$7
- Boulevard Tank 7 SAISON/FARMHOUSE ALE (8.5%) (12oz) \$7
- Breckenridge Brewery Vanilla Porter (5.4%) \$6.50
- Cochituate Brewing Before Midnight Stout (6%) \$8
- Guinness (4.1%) IRISH DRY STOUT \$7
- Jacks Abby Framinghammer BALTIC PORTER (10%) \$9
- Jack's Abby Hoponius Union AMERICAN PALE LAGER (6.7%) \$7
- Kentucky Bourbon (8.2%) ENGLISH STRONG ALE (12oz) \$6
- Lagunitas IPA (6.2%) AMERICAN IPA \$6
- Oskar Blues Mama's Lil Yella PILS CZECH PILSNER (5.3%) \$6.50
- Otter Creek Kind Ryed IPA RYE BEER 6.5% \$
- Sam Adams NITRO WHITE ALE \$7
- Sierra Nevada Pale Ale AMERICAN PALE ALE (5.6%) \$6
- Sierra Nevada Hop it to Me SCHWARZBIER (7%) \$7
- Smuttynose Old Brown Dog (6.7%)  
AMERICAN BROWN ALE \$6
- Tröegs Perpetual IPA AMERICAN DOUBLE/IMPERIAL (7.5%) \$7 X 2
- Victory Dirlftwolf AMERICAN DOUBLE/IMPERIAL IPA (8.7%) \$7
- Von Trapp Pilsner (5.4%) \$6

### UP NEXT:

Cochituate Red Raven Red Rye IPA

## FLIGHTS 20oz of Goodness \$12

### NEW ENGLANDERS

(Cochituate, Von Trapp, Smuttynose & Otter Creek)

### HOPPY DAYS ARE HERE AGAIN

(Ballast Point, Jack's Abby, Lagunitas, Troegs)

OR Pick 4 & Make up your own flight :)

## BOTTLES

- |                           |                                 |
|---------------------------|---------------------------------|
| Amstel Light \$6          | Long Trail Double Bag \$6       |
| Angry Orchard \$6         | Magic Hat #9 \$6                |
| Bards \$9 (Gluten Free)   | Michelob Ultra \$4.50           |
| Blue Moon \$6             | Miller Lite \$4                 |
| Budweiser \$4             | Narragansett 16oz \$5           |
| Bud Light \$4             | North Coast Old Rasputin \$9    |
| Cisco Whales Tale \$6     | Reed's Ginger Beer \$6          |
| Clausthaler \$5 (Non-Alc) | Rogue Dead Guy Ale \$8          |
| Coors Light \$4           | Sam Adams Lager \$6             |
| Corona Extra \$6          | Sam Adams Light \$6             |
| Dales Pale Ale \$5        | Southern Tier 2X IPA \$7        |
| Firestone-                | Stella Artois \$6.50            |
| Union Jack \$8            | St. Pauli Girl (Non-Alc) \$5.50 |
| Founders-                 | Two Roads Lil Heaven \$6.50     |
| All Day IPA \$8           | Wachusett-                      |
| Green Flash-              | Country Ale \$6                 |
| West Coast IPA \$8        | Wachusett Larry \$6             |
| Heineken \$6              | Weihenstephaner-                |
| Left Hand Nitro \$8       | Hefe \$8                        |

### Bi-Monthly BEER DINNERS-

5 COURSES-5 BEERS-\$55

2016 Details & Dates posted online

**Acton Police Department**  
**P. O. Box 2212**  
**371 Main Street**  
**Acton, MA 01720**  
**978-263-2911**  
**Incident Report**



**Incident Number:** REDACT  
**File No:** N/A  
**Dispatch Incident Number:** REDACT  
**Print Date:** July 11, 2016  
**Printed By:** frentschler

**Incident Information**

Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Fri	07/08/2016	5:08:00PM		Fri	07/08/2016	5:08:00PM	→	7/8/2016	5:08:36PM	
Reported As				Incident Type - Primary			Arresting Officer				
Vehicle Crash With Injuries P:015209 F:002				OUI Alcohol or Drugs							
Incident Address							Reporting Officer				
3 NAGOG PARK DR, ACTON, MA 01720							Anthony Rotella (163AR)				
Sector		Stat. Area		Sub Stat. Area		Census Tract		Landmark			
NOR		North Precinct Map B4									
Business Name				Incident Types - Other				Action Taken			
RED RAVEN				Vehicle Crash With Injuries				TRANSPORT			

**Dispatch Timings**

Dispatched	Date	Time	First Arrival	Date	Time	Last Clear	Date	Time
	07/08/2016	17:09		07/08/2016	17:18		07/08/2016	17:53

**Associated Persons Summary**

Type	Name(Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Operator	P1	REDACT	M	N/A	REDACT	N/A
Address: REDACT						
Operator	P2	REDACT	M	N/A	N/A	N/A
Address: REDACT						
Property Owner	P3	REDACT	F	REDACT	REDACT	N/A
Address: REDACT						
Property Owner	P4	REDACT	M	N/A	REDACT	N/A
Address: REDACT						

**Associated Businesses Summary**

Type	Name	Primary Phone #	Secondary Phone #
Other	EMERSON HOSPITAL	(978) 369-1400	N/A
Address: 100 Old Road to Nine Acre Corner, Concord, MA 01742			
Other	INTERNATIONAL COLL. 978 369 9441	( ) 263-6767	N/A
Address: 21 KEEFE RD, Acton, MA 01720			
Other	SAL'S AUTO SERVICE 978 263 2614	( ) 263-2614	N/A
Address: 5 WILLOW ST, Acton, MA 01720			
Other	RED RAVEN	N/A	N/A
Address: 3 NAGOG PARK DR, ACTON, MA 01720			

**Involved Officers**

Officer Title	Officer Name	Officer Type	Division
Patrol Officer	John Collins	Responding Officer	Acton Police Department
N/A	Anthony J Rotella	Reporting Officer	Acton Police Department
N/A	Anthony J Rotella	Responding Officer	Acton Police Department

**IBR/UCR Offenses**

Offense Number	IBR Type	Statute ID	IBR Type Description
1	90D	90/24/J	Driving Under the Influence

**Acton Police Department**

P. O. Box 2212  
371 Main Street  
Acton, MA 01720  
978-263-2911



Incident Number: REDACT

File No: N/A

Dispatch Incident Number: REDACT

Print Date: July 11, 2016

Printed By: frentschler

**Incident Report**

Vehicle Info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
REDACT )	REDACT	REDACT	Blue	N/A	LIBERTY MUTUAL INS

REDACT	REDACT	REDACT	Black	N/A	PROGRESSIVE CASLTY
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Citations					
Citation No	Code	Date	Status	Statute	Description
REDACT	Arrest	07/08/2016 17:20	Open	90/24/J	OUI Liquor

Acton Police Department  
 P. O. Box 2212  
 371 Main Street  
 Acton, MA 01720  
 978-263-2911  
**Incident Report**



Incident Number: REDACT  
 File No: N/A  
 Dispatch Incident Number: REDACT  
 Print Date: July 11, 2016  
 Printed By: frentscler

Narratives for Incident Number REDACT ? Yes  
 Other Narratives not authorized for print? None  
 Narratives this user authorized to print:

Narrative by: Anthony Rotella (163AR) Division: Acton Police Department

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
07/08/2016 19:59		Anthony Rotella (163AR)	Open		07/09/2016

On July 8th, 2016, I (Officer Rotella) was working the 5 p.m. - 1 a.m. shift in fully marked cruiser #3 in full duty uniform. At approximately 17:08 hours Officer Collins and I were dispatched to 3 Nagog Park Drive through a 911 line for a report of a vehicle crash with injuries.

Upon arrival I observed that a vehicle 1 a REDACT had struck vehicle 2 a REDACT in the parking lot of The Red Raven in Nagog Park Drive, which is a public way in The Town of Acton. There was heavy damage to vehicle 2 on the driver side door from vehicle 1. The driver side window was blown out with the glass surrounding both vehicles on the ground. Vehicle 2 suffered great impact by the front of vehicle 1.

The operator of the Honda identified as P1 was road side. The driver of the Toyota identified as P2 was being transport by the Fire Department to Emerson Hospital due to an injury he sustained to his head by hitting it off the driver side window.

Before transporting P2 I had gathered his information. I observed P2 to have no visable injuries. P2 seemed to be speaking to me with a clear concious. He stated that while parked in a parking spot at the Red Raven, he was struck by Vehicle 1. I asked if he had his vehicle in the park position, he stated he did. He stated that he was just sitting there when out of nowhere he was struck. To my estimation the impact was severe enough to push P2 vehicle 3 to 4 feet from its original position.

I spoke with Officer Collins who spoke with P1. Officer Collins advised me that he smelled a strong odor of an alcohol beverage and other signs of impairment coming from P1. Approaching P1 I could smell an alcohol beverage coming from his person. I asked him where he was coming from. P1 admitted that he had just had lunch at the Red Raven by himself. I asked P1 if he had anything to drink. He stated that he had 4 or 5 beers. I asked what size beers he had. He didn't seem to remember. He then stated they were pint size, 12 or 16 ounces unsure of which. While observing P1 I could see that his eyes were red, glassy and his speech was slow and slightly slurred.

I asked P1 how the crash occurred. He stated that after backing out of his space he was pulling out of the lot when the Toyota pulled in right in front him. He could not react quick enough to to avoid hitting the Toyota as it pulled into the parking space. After speaking with the victim P2, P1 statements are inconsistent.

I asked P1 if he was willing and capable in performing a series of field sobriety tests. He agreed to attempt the tests. We stepped away from the vehicles, found a flat surface free of debris a few spaces over and conducted the tests. It should be noted that P1 was wearing converse flat shoes, tied tightly to his feet.

Test one, 9 Step Walk and Turn-

The first test conducted for P1 was the 9 step walk and turn. First I advised P1 that he would be doing this test on the line provided from the empty parking spot. I demonstrated the 9 step walk and turn to him advising him to keep his arms down by his side and to count each step out loud so I could hear him. On the 9th step he was instructed to make a series of small steps to turn around and continue back the same way for 9 steps. P1 stated that he understood the instruction and I began the test. During this test, P1 raised his arms greater than six inches off his

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**Incident Report**



**Incident Number:** REDACT  
**File No:** N/A  
**Dispatch Incident Number:** REDACT  
**Print Date:** July 11, 2016  
**Printed By:** frentschieler

**Narrative by:** Anthony Rotella (163AR) Division: Acton Police Department (continued)

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
07/08/2016 19:59		Anthony Rotella (163AR)	Open		07/09/2016

person and was swaying back and forth. I instructed him to lower his arms 3 times during this test. When attempting to turn around he failed to pivot losing his balance almost causing him to fall over. P1 had to regather his footing to begin walking back. P1 only counted out the numbers 1,2,3, 8 and 9. During the walk and turn there was 6 out 8 clues that P1 failed to perform. P1 failed the 9 step walk and turn.

**Test two, One Leg Stand-**

The second test given to P1 was the one leg stand. I advised P1 that he would be performing this test on whichever foot he felt more comfortable with. I instructed him to keep his arms by his side and raise whichever leg off the ground 6 inches and to count to 30 seconds in his head while holding his foot up. Without counting out loud I instructed him to lower his leg when he believed the 30 seconds was up. P1 stated that he understood the instruction and I began the test. When P1 began his test I checked my watch to also time him myself. During the test about 8 seconds in P1 lost balance and held on to his vehicle to keep himself up. After instructing him to let go of the vehicle he held on for another few seconds before letting go. Throughout the test P1 again raised his arms greater than 6 inches from his person for balance while noticeably swaying back and forth. P1 put his foot to the ground to regain balance 7 different times throughout the test. After 53 seconds P1 looked at me for approval to lower his leg and stated, "I think that's good". During the one leg stand there was 4 out 4 clues that P1 failed to perform. P1 failed the one leg stand.

**Test three, Horizontal Gaze Nystagmus-**

The final test given to P1 was the horizontal gaze nystagmus. I instructed P1 to stand in a comfortable position with his hands by his side. I advised him that during this test he would need to keep his head still, and follow the tip of my pen side to side with his eyes only. P1 stated that he understood the instruction and I began the test. Right at the start of the test P1 head was moving with his eyes. I instructed him again to keep his head still and use his eyes only to follow the pen. Throughout the test I had to instruct him another two times to keep his head still. While his eyes were following the pen his eyes seemed to be shaking and not traveling smoothly side to side. While observing his eyes I could notice the onset of Nystagmus prior to 45 degrees as well as the nystagmus at the max deviation in both eyes. During the test there was 6 out 6 clues that P1 failed to perform. P1 failed the horizontal gaze nystagmus.

After the test were completed P1 stated, "Well that didn't seem to go well." At this point I concluded that through the failed sobriety tests, P1 statements and the crash it was determined that P1 was operating his vehicle under the influence of alcohol. I instructed P1 to turn around, put his hands behind his back and advised him he was under arrest for operation under the influence of liquor. I placed the handcuffs (DL) on P1 and escorted him to the back seat of fully marked cruiser #3. He was transported back to the P.S.F. Sergeant Grey met me in the booking room to process P1 per policy of the Acton Police Department. During the booking process Sgt. Grey advised P1 of all his appropriate rights along with an opportunity to consent to a breath alcohol test, P1 refused the test.

**Acton Police Department**  
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**978-263-2911**  
**Incident Report**



**Incident Number:** REDACT  
**File No:** N/A  
**Dispatch Incident Number:** REDACT  
**Print Date:** July 11, 2016  
**Printed By:** frentschler

**Narrative by: Anthony Rotella (163AR) Division: Acton Police Department (continued)**

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
07/08/2016 19:59		Anthony Rotella (163AR)	Open		07/09/2016

During the booking process I fingerprinted P1 . I had to instruct P1 approximately 10 to 15 times to relax his hands to properly fingerprint him. P1 had a difficult time following my simple instructions. During the process P1 placed his arm around my shoulder. Sergeant Grey advised him to keep his hands off the Officers. When signing the fingerprint sheet P1 decided to place his arm around Sergeant Grey. He was advised to keep his hands to himself. Once again P1 failed to follow simple instructions. Throughout the whole booking process with being in close contact with P1 there was a strong odor of an alcohol beverage present.

Officer Collins stood by the crash scene until the vehicles were towed. International Collision removed the Toyota and Sal's Towing removed the Honda.

Officer Collins provided me with a receipt of P1 bill from the Red Raven that the manager/owner had given him. The receipt shows that P1 had 2 Troegs Perpetual IPA Draft beers, 5 Ballast Point beers, a brisket sandwich and a fish taco.

I have attached a copy of the receipt from the Red Raven along with a copy of the beer menu.

Citation number REDACT - Chapter 90 Section 24 OUI liquor was issued to P1

Respectfully Submitted,  
 Officer Rotella #163

*Signature - Reporting Officer*

*Signature - Reviewing Officer*

**Narrative by: Anthony Rotella (163AR) Division: Acton Police Department**

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
07/08/2016 21:22		Anthony Rotella (163AR)	Open		07/09/2016

On July 8th, 2016, I (Officer Rotella) was working the 5 p.m. - 1 a.m. shift in marked cruiser #3. At approximately 17:08 hours I was dispatched to The Red Raven in Nagog Park Drive for a reported vehicle crash with injuries.

On arrival I observed two vehicles involved in the crash. Vehicle 1 REDACT a Honda REDACT and Vehicle 2 REDACT a Toyota REDACT . Vehicle 1 was operated by P1 , Vehicle 2 by P2

I spoke with P2 first, who stated he was parked in a spot outside the Red Raven and was all of a sudden struck on the front driver side door. During the crash P2 hit his head off the window. There was a over \$1,000 worth of damage to the vehicle. The photos show that the vehicle 1 had pushed vehicle 2 approximately 3 to 4 feet from its stationary position.

Next I spoke with P1 who stated he was pulling out of the Red Raven parking lot when Vehicle 2 pulled in quickly in front of him causing him to crash into the driver side. He stated that he was driving only 5-10 MPH and vehicle 2 was coming into the spot rather quick. The statement from P1 was inconsistent with what the victim states.

Respectfully Submitted,  
 Officer Rotella #163

**Acton Police Department**  
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**978-263-2911**  
**Incident Report**



**Incident Number:** REDACT  
**File No:** N/A  
**Dispatch Incident Number:** REDACT  
**Print Date:** July 11, 2016  
**Printed By:** frentschler

*Signature - Reporting Officer*

*Signature - Reviewing Officer*

**Narrative by: Patrol Officer John Collins (99JC) Division: Acton Police Department**

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
07/08/2016 21:58	OUI Arrest	Patrol Officer John Collins (99JC)	Open		07/09/2016

At the above time and date while working my 3PM to 11PM shift in fully marked cruiser #4 in complete duty uniform I was dispatched to 3 Nagog Park Dr., The Red Raven, for a motor vehicle crash with injuries. I immediately proceeded to the location and arrived a short time later along with Officer Rotella. Dispatch updated responding units that a male party struck their head against the window. Fire and rescue were already on scene. Officer Rotella called us both off and I then exited my cruiser.

I first observed a male party, later identified as P2, strapped into a stretcher and being treated by Acton Fire. P2 was then loaded into the ambulance. I instructed Officer Rotella to get a statement form P2 before he was transported to the hospital. I then observed two vehicles involved in the crash: Vehicle 1 is a REDACT Honda REDACT with REDACT affixed to the rear bumper. There is heavy damage to the passengers front corner (See Photos). Vehicle 2 is a REDACT Toyota REDA with REDACT affixed to the rear bumper. There is heavy damage to the drivers side door and broken window glass covering the ground around and on both vehicles (See Photos). There was a male party later identified as P1 standing in the parking lot close to the crash cite. I asked P1 if he was the driver of one of the vehicles and he said yes. I immediately detected a strong odor of an alcoholic beverage present while speaking with P1. I observed that P1 was having a very difficult standing, swaying back and forth and side to side. I asked P1 for his license and registration. P1 staggered or had a difficult time walking over to the Honda. P1 forced open the passengers side door and retrieved both forms of identification. There was also a female party, later identified as P3, who was working at the Red Raven while P1 was inside having lunch. I instructed P3 to please be patient and I will speak with her shortly.

Once P1 returned to my location, I asked him what happened and stated with a thick tongue and slurred speak "The car pulled into the lot in front of my car and I hit it". I also took note that P1 had blood shot and glassy eyes. I asked P1 where he was prior to the crash. P1 stated having lunch inside the Red Raven. I asked P1 if he consumed any alcohol while inside and he stated yes, "I had a few drinks". I asked P1 what kind of drinks, P1 was very vague with his response: first it was a couple beers and couldn't answer the size of the beers; maybe 12oz or 16oz. The number of beers fluctuated from 2 beers to 6 beers. At this time Officer Rotella returned and I updated him with the information I had. Officer Rotella then took over the investigation and had P1 perform a series of Field Sobriety Tests (See Report). I then went and spoke with the victim, P2 inside the ambulance.

I asked P2 what happened and he stated "I was parked in that spot when the car came out of nowhere and hit me". I asked P2 if the car was in park and he was stationary, he stated "Yes". According to P2 statements, his car was pushed approximately 3 to 4 feet from the impact of the crash. I then returned back with Officer Rotella within 2 minutes after speaking with P2.

Officer Rotella complete his FST's and placed P1 under arrest for OUI. Officer Rotella transported P1 back to the PSF for processing. I then spoke with P3. P3 confirmed that P1 did have lunch at the Red Raven. P3 gave me a copy of receipt and the bartenders information: REDACT International Collision removed the Toyota and Sal's Towing removed the Honda. Nothing further at this time.

Respectfully Submitted

Ptl Officer John Collins #99  
 Acton Police Department

**Acton Police Department**

P. O. Box 2212  
371 Main Street  
Acton, MA 01720  
978-263-2911



**Incident Report**

Incident Number: REDACT

File No: N/A

Dispatch Incident Number: REDACT

Print Date: July 11, 2016

Printed By: frentschler

\_\_\_\_\_  
*Signature - Reporting Officer*

\_\_\_\_\_  
*Signature - Reviewing Officer*

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

07/08/2016 17:54:18

99JC,163AR,E21,E23,R33 RESPONDED TO THE ABOVE ADDRESS MVA WITH PI. REDACT towed by Sal's &  
REDACT towed by International. R33 TRANSPORT MILEAGE 0-6.2

<b>CRIMINAL COMPLAINT</b> POLICE COPY		DOCKET NUMBER REDACT	NO OF COUNTS 1	<b>Trial Court of Massachusetts</b> <b>District Court Department</b> 	
DEFENDANT NAME & ADDRESS REDACT				COURT NAME & ADDRESS Concord District Court 305 Walden Street Concord, MA 01742 (978)369-0500	
DEFENDANT DOB	COMPLAINT ISSUED 07/11/2016	DATE OF OFFENSE 07/08/2016	ARREST DATE 07/08/2016		
OFFENSE CITY / TOWN Acton		OFFENSE ADDRESS Nagog Park Dr.		NEXT EVENT DATE & TIME 07/11/2016 10:00 AM	
POLICE DEPARTMENT ACTON PD		POLICE INCIDENT NUMBER REDACT		NEXT SCHEDULED EVENT Arraignment	
OBTN REDACT	PCF NUMBER	DEFENDANT XREF ID		ROOM / SESSION Arraignment Session	
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.					

COUNT	CODE	DESCRIPTION
1	90/24/J	OUI-LIQUOR OR .08% c90 §24(1)(a)(1)

On 07/08/2016 did operate a motor vehicle upon a way, as defined in G.L. c.90, §1, or in a place to which the public has a right of access, or upon a way or in a place to which members of the public have access as invitees or licensees, with a percentage, by weight, of alcohol in his or her blood of eight one-hundredths or greater, or while under the influence of intoxicating liquor, in violation of G.L. c.90, §24(1)(a)(1).

**PENALTY:** imprisonment for not more than 2½ years; or not less than \$500, not more than \$5000 fine; or both imprisonment and fine; plus \$50 Victims of Drunk Driving Assessment; plus (if OUI) \$250 Head Injury Assessment; no filing or continuance without a finding; and license revoked for 1 year. §24Q: Defendants with a blood alcohol level of .20% must also attend alcohol or drug assessment by DPH or other court-approved program. §24D alternative disposition: If defendant eligible, after guilty finding or continuance without a finding, Judge may allow as alternative: probation not more than 2 years, plus driver alcohol or controlled substance abuse education program, or alcohol or controlled substance abuse treatment or rehabilitation program, or both, plus its program fee, plus \$250 assessment for apprehension, treatment and rehabilitation programs, plus \$50 Victims of Drunk Driving Assessment, plus (if OUI) \$250 Head Injury Assessment, plus license suspended for not less than 45 days, not more than 90 days (or for 210 days, if defendant under age 21 on offense date. Defendants aged 17-21 with a blood alcohol level of .20% or more must attend a "14-day second offender in-home program."

SIGNATURE OF COMPLAINANT X	SWORN TO BEFORE CLERK-MAGISTRATE/ASST CLERK/DEP. ASST. CLERK X	DATE
NAME OF COMPLAINANT	A TRUE COPY ATTEST X	CLERK-MAGISTRATE/ ASST CLERK DATE

**Notice to Defendant:** 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

**CRIMINAL DOCKET**

DOCKET NUMBER

NO. OF COUNTS

**Trial Court of Massachusetts  
District Court Department**



REDACT

1

DEFENDANT NAME AND ADDRESS

REDACT

DOB

GENDER

Male

COURT NAME & ADDRESS

Concord District Court  
305 Walden Street  
Concord, MA 01742

DATE COMPLAINT ISSUED

07/11/2016

PRECOMPLAINT ARREST DATE

07/08/2016

INTERPRETER REQUIRED

FIRST FIVE OFFENSE COUNTS

COUNT CODE

OFFENSE DESCRIPTION

OFFENSE DATE

1 90/24/J

OUI-LIQUOR OR .08% c90 §24(1)(a)(1)

07/08/2016

DEFENSE ATTORNEY

*Kronney filed*

OFFENSE CITY/TOWN

Acton

POLICE DEPARTMENT

ACTON PD

DATE & JUDGE

DOCKET ENTRY

DATE & JUDGE

FEE'S IMPOSED

7-11-16

*Singh*

- Attorney appointed (SJC R. 3:10)
- Atty denied & Defl. Advised per 211 D §2A
- Waiver of Counsel found after colloquy

*not drive w/o  
Terms of release set:  
valid lic*

PR  Bail

Counsel Fee (211D § 2A(2))

WAIVED

Counsel Contribution (211D § 2)

WAIVED

Default Warrant Fee (276 § 30(1))

WAIVED

7-11-16  
*Singh*

7-11-16  
*Singh*

65

NO.	SCHEDULED DATE	EVENT		JUDGE	TAPE START/ STOP
1	07/11/2016	Arraignment	<input checked="" type="checkbox"/> <input type="checkbox"/>	<i>Singh</i>	
2	7/21/16	<i>Appeal</i>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<i>Singh</i>	
3			<input type="checkbox"/> <input type="checkbox"/>		
4			<input type="checkbox"/> <input type="checkbox"/>		
5			<input type="checkbox"/> <input type="checkbox"/>		
6			<input type="checkbox"/> <input type="checkbox"/>		
7			<input type="checkbox"/> <input type="checkbox"/>		
8			<input type="checkbox"/> <input type="checkbox"/>		
9			<input type="checkbox"/> <input type="checkbox"/>		
10			<input type="checkbox"/> <input type="checkbox"/>		

APPROVED ABBREVIATIONS

CLERK TOTAL NO. OF PAGES ON (DATE)

X



REDACT

CRIMINAL DOCKET - OFFENSES			DEFENDANT NAME		DOCKET NUMBER		
COUNT / OFFENSE 1 OUI-LIQUOR OR .08% c90 §24(1)(a)(1)			REDACT		REDACT 1		
DISPOSITION METHOD <input checked="" type="checkbox"/> Guilty Plea or <input checked="" type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12 <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)			FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause			HEAD INJURY ASMT	RESTITUTION	VW ASSESSMENT	BATTERER'S FEE	OTHER
COUNT / OFFENSE			DISPOSITION DATE AND JUDGE				
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12 <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)			FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause			HEAD INJURY ASMT	RESTITUTION	VW ASSESSMENT	BATTERER'S FEE	OTHER
COUNT / OFFENSE			DISPOSITION DATE AND JUDGE				
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DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12 <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)			FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause			HEAD INJURY ASMT	RESTITUTION	VW ASSESSMENT	BATTERER'S FEE	OTHER
COUNT / OFFENSE			DISPOSITION DATE AND JUDGE				

DISPOSITION DATE AND JUDGE  
7-21-16 Single

SENTENCE OR OTHER DISPOSITION  
 Sufficient facts found but continued without a finding until: 7/20/17  
 Defendant placed on probation until:  
 Risk/Need or OUI  Administrative Supervision  
 Defendant placed on pretrial probation (276 §87) until:  
 To be dismissed if court costs / restitution paid by:  
 \$ 65 PSF  
 - 240 program  
 - 1/2 BAR  
 - 60 days LOL  
 - Rest TBD

50





LICENSE  
ALCOHOLIC BEVERAGES

THE LICENSING BOARD OF

The Town of Acton

MASSACHUSETTS

HEREBY GRANTS A

COMMON VICTUALLER

License to Expose, Keep for Sale, and to Sell

All Kinds of Alcoholic Beverages  
*To Be Drunk On the Premises*

0006-00002

To The Red Raven, Inc.  
John Apazidis, Manager

On the following described premises: 3 Nagog Park

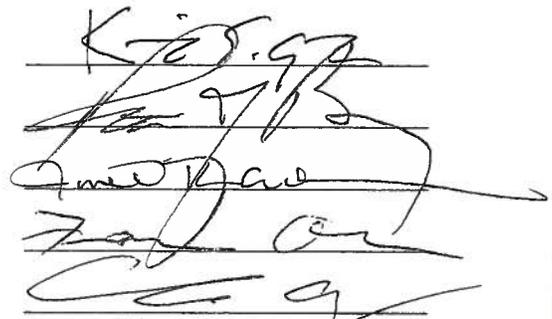
Restaurant

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31<sup>st</sup>, 2016 unless earlier suspended, cancelled or revoked.

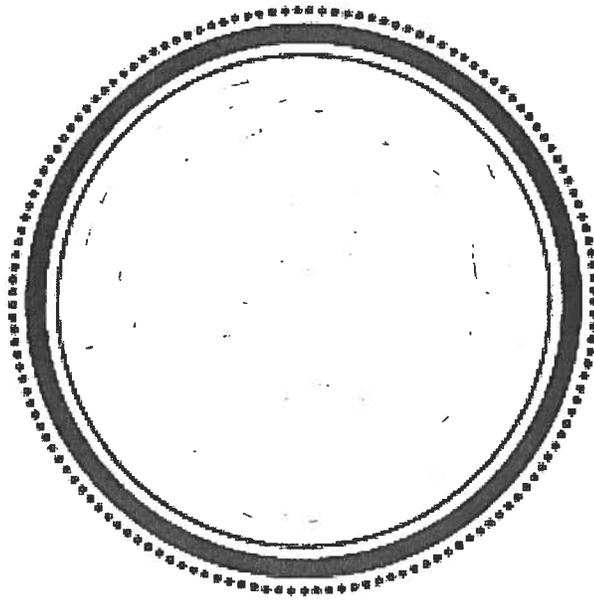
IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 16<sup>th</sup> day of November, 2015

The Hours during which  
Alcoholic Beverages may be sold are

9:00A.M. to 12:00 midnight

  
Licensing Board

**THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ**



## Server Training Manual

Edition Date: September 2013

## SECTION XI ALCOHOL AWARENESS

The privilege of serving alcohol safely to our customers is one of the most important responsibilities you have as a server. This section will cover our Policies & Procedures and your responsibilities to our customers and this establishment.

All employees are required to have a valid TIPS certification on file during their time of employment. In addition all employees are required to adhere to the following policies. Failure to do so will result in immediate dismissal. Errors in the following policy, which result in accident, injury or material damage could result in loss of our liquor license and/or prosecution of you (the employee) and management.

### The Two Golden Rules

- I. Everyone benefits when alcohol is served safely.
- II. When in DOUBT, DO NOT SERVE.

### POLICIES & PROCEDURES

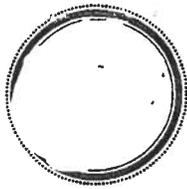
1. Any person who appears to be under the age of 30 must present a valid ID. The following are the only acceptable forms of identification:
  - i. Valid Massachusetts Drivers License
  - ii. Valid Liquor ID
  - iii. Valid Passport
  - iv. Valid Active Military ID
  
2. Determine validity of age by:
  - a. Asking customer to remove ID from wallet
  - b. Checking Birth Date
  - c. Checking Expiration Date
  - d. Compare Photo with Customer
  - e. Examine lamination, composition (refer to ID book), seals and holograms.
  - f. Review all type/photos to look for alterations and cuts/abrasions in ID
  - g. Communicate with customer by asking questions to test their knowledge such as:
    - i. What is your street address?
    - ii. What is your astrological sign?
    - iii. What year did you graduate high school?
    - iv. What is your SS or License Number?
    - v. May I see a second form of ID?

If you still have any doubts , DO NOT SERVE.

3. If an underage customer comes in with someone (of legal age) other than a family member, assume that the customer of legal age may be purchasing alcoholic beverages for the underage customer. If a new customer (of legal age) comes to the bar to order two drinks, you **MUST** review the ID's of both parties that the beverages are intended for. Do not let any underage persons handle alcohol or sit at the bar. Underage persons are allowed to sit in the Pub area and on the deck when accompanied by family members that are of age. Always monitor underage persons in the pub to ensure others are not serving them.
4. Never allow any customers to bring any containers of alcoholic beverages onto the restaurant premises. Any customer trying to bring in alcoholic beverages should not be granted admittance to our restaurant. If a guest is found to have concealed an alcoholic beverage and it is discovered inside the restaurant, confiscate the beverage, dispose of it in the sink and notify management so that they can close out the customer and request that they leave.
5. We are here to make sure our guests have a pleasurable and safe experience. This includes monitoring their consumption of alcoholic beverages and never selling alcohol to an intoxicated person. All customers should be treated with respect and by being friendly and offering alternatives you can often avoid most problems. However management should become involved if an incident escalates and needs to be documented. Below are some examples of Behavioral Cues that will help you identify a customer who may be intoxicated:
  - a. Loss of inhibitions, such as being over talkative, overly relaxed, overly friendly and/or loud behavior/mood swings.
  - b. Exhibiting poor judgment, inappropriate behavior, using foul language and telling off color jokes.
  - c. Glassy, unfocused eyes, moving very slowly, forgetting things, losing train of thought, slurred.
  - d. Stumbling, swaying dropping belongings or having trouble handling items.
6. If any of the above are occurring, the decision should be made to not serve this guest anymore. You can take some of the following steps to make the guest comfortable and safe:
  - a. Offer them a non-alcoholic beverage (Still or Sparkling Water) and bring them some bread, chips, etc. "On the house".
  - b. Offer to call them a cab, enlist their friends who are not intoxicated to help with getting the guest home safely.
7. **DOCUMENTATION:** The following should be documented in as much detail and as close to the time of the event as possible (to ensure accuracy). All of

the following should be reported to the manager on duty and they will assist in resolution (if necessary) and documentation.

- a. The Refusal of Service Report should be filled out whenever a guest is refused service for obvious intoxication or when exhibiting Behavioral Cues that lead you to believe the guest is intoxicated. This is for guests to who we have NOT served any alcohol, this is NOT a shut-off report.
- b. The Shut-off Report should be filled out when a customer has been denied any further service of alcoholic beverages by you.  
\*IMPORTANT NOTE\* Our goal as a team is to not allow our guests to get to this point in our establishment, it is YOUR JOB to make sure all guests are drinking responsibly and that their experience is safe and enjoyable.
- c. Management must sign off on all Incident Reports



# SHUT-OFF REPORT

## GENERAL INFORMATION

**LOCATION**      DINING ROOM      PUB / DECK      BAR      **DATE:**  
**REPORT BY:**      **TIME OF SHUTOFF:**  
**EMPLOYEE ID:**      **MANAGER**  
**GUEST NAME**      **ADDRESS**

## SPECIFICS & OBSERVATIONS (IF KNOWN)

**ID TYPE**                          
                          MA LICENSE      VALID PASSPORT      LIQUOR ID      VALID MILITARY ID  
**REASON FOR SHUTOFF**                        **EXPLANATION:**  
                          Behavioral Cues      Attitude/Complaint      OTHER

## STEPS TAKEN

CHECK ALL THAT APPLY		Guest's Comments/Actions
Refused the Sale of Alcohol	<input type="checkbox"/>	
Offered Non-Alcoholic Drink	<input type="checkbox"/>	
Offered Food	<input type="checkbox"/>	
Offered to Call Friend/Cab	<input type="checkbox"/>	
Called Police (If escalated)	<input type="checkbox"/>	
Was Guest Alone?    YES <input type="checkbox"/> NO <input type="checkbox"/>		
Notified Manager on Duty?    YES <input type="checkbox"/> NO <input type="checkbox"/>		
Additional Comments:		

## VERIFICATION OF REPORT

*By signing this form, you confirm that you have discussed this incident to the best of your knowledge and that all facts recorded are true and accurate based on that knowledge.*

Employee Signature

Print Name:

Date:

Manager Signature

Print Name:

Date:



**From:** [Steve Ledoux](#)  
**To:** [Lisa Tomy](#)  
**Subject:** FW: Acton - Red Raven - redacted reports  
**Date:** Friday, August 05, 2016 3:07:11 PM  
**Attachments:** [Police Reports - Red Raven - Renault - Sales Slip Beer menu - Red Raven \(redacted\) \(A0384685xB0BA5\).pdf](#)  
[Police Reports - Red Raven - Renault - mtc version \(redact\) \(A0384690xB0BA5\).pdf](#)  
[Police Reports - Red Raven - Red Raven OS Docket sheet \(redacted\) \(A0384678xB0BA5\).pdf](#)

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Steven L Ledoux  
Town Manager  
472 Main Street  
Acton, MA 01720  
Telephone (978) 929-6611

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

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**From:** Frank Widmayer  
**Sent:** Friday, August 05, 2016 2:53 PM  
**To:** Steve Ledoux  
**Cc:** Rich Burrows; Frederick Rentschler  
**Subject:** FW: Acton - Red Raven - redacted reports

Steve,

I have attached pertinent information regarding an alleged overserving situation that occurred at the Red Raven. The documents have been redacted by Town Counsel at my request. The pending court case against the operator of one of the vehicles has been settled.

I recommend that you schedule the owner(s) of Red Raven for a hearing in front of the Board of Selectmen to discuss it.

On the date of the incident, one of the owners was requested to save the original receipt and any video that may be needed as evidence at the hearing.

Regards,  
Frank

Frank J. Widmayer III  
Chief of Police