



3/22/04

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

Don P. Johnson
Town Manager

February 10, 2004

Daniela's Tacorito
Tracy Boyd, Owner and Manager
208 Main Street
Acton, MA 01720

Dear Ms. Boyd:

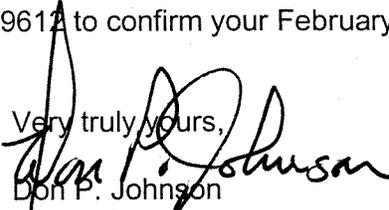
The Board of Selectmen is in receipt of a report from the Police Chief alleging a possible alcoholic beverage service violation at Daniela's Tacorito on January 21, 2004. As you will see in Chief Widmayer's attached report, an intoxicated driver was involved in a single car accident on January 21 and, when questioned, indicated she had been served at your establishment prior to the accident.

This is the second incident involving alleged over-service of alcohol at Daniela's Tacorito that has come to the attention of the Board of Selectmen in the last four (4) months. 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 8:30 PM on Monday, February 23, 2004, in Room 204 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.

The Selectmen note that when you appeared before the Board on November 3, 2003, you provided general input regarding your understanding of the incident that had occurred in October but you were not present when the incident occurred and you did not bring anyone with you who was on duty or in charge at that time. With regard to the upcoming February 23 Hearing, the Selectmen have specifically directed that, in addition to yourself, any individual (other than yourself) who may have been on duty and in charge at the time of the alleged January 21 violation be present and available for questioning by the Board.

Please phone Christine Joyce at (978) 264-9612 to confirm your February 23 hearing date.

Very truly yours,


Don P. Johnson
Town Manager

Cc: Police Chief

DANIELA'S TACORITO ALCOHOLIC BEVERAGES POLICY

Discount Policy

Daniela's Tacorito does not allow discounts on alcoholic beverages at any time or for any reason. Specials or promotions involving the discounted sale of alcohol are strictly prohibited.

Serving Policy

- Daniela's Tacorito requires all servers of alcohol to be 18 years of age or older.
- Daniela's Tacorito requires a valid proof of age for the purchase of alcoholic beverages from any patron who appears 30 years of age or younger.
- Valid identification must be one of the following: valid Massachusetts's Driver's License, valid Massachusetts Registry of Motor Vehicles Liquor Identification Card, or valid U.S. Passport.
- Daniela's Tacorito reserves the right to refuse service to any patron if, upon inspection, the validity of the proof of age is in question.
- Daniela's Tacorito does not serve alcoholic beverages to persons under the age of 21, the State penalty for serving such a person includes up to \$2000.00 in fines and/or up to 6 months in jail.
- Daniela's Tacorito only permits one alcoholic beverage to be consumed by any patron at any given time.
- Daniela's Tacorito does not serve persons who appear to be intoxicated (signs of intoxication may include slurred speech, impaired coordination, or erratic behavior).
- All alcoholic beverages must be consumed on the premises.

Employee Policy

Daniela's Tacorito does not allow any employee to consume alcoholic beverages on the premises while on duty.

303
2/9
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Acton Police Department

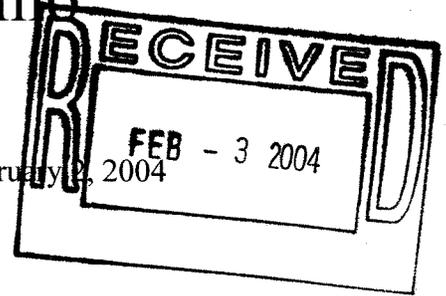
InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police

Date: February 2, 2004

To: Don Johnson, Town Manager

Subj: Liquor Law violation



I am enclosing a copy of a police incident report detailing another problem at Daniela's Tacorito at 208 Main Street. I last reported on a problem at this establishment in October, 2003 and the Board called them in at that time.

I recommend that the Board of Selectmen call the manager or owner in again for a review of their serving policies.

A handwritten signature in cursive script that reads "Frank J. Widmayer".

Frank J. Widmayer
Chief of Police

"RAYMOND P. GREY" 23-JAN-2004 06:28:09.72

From: ACTPD::RPG
To: TJR
CC: RPG
Subj: ALCOHOL VIOLATION

Lt. [REDACTED] On your desk is a copy of Officer Krug's arrest report, during booking stated she had been drinking at Daniela's Tacorita on Main Street. Ms. [REDACTED] was a .17 BAC almost 2 hours after the accident. I asked her if she had been drinking prior to Daniela's, her response was "no."

1-23-04
Forwarded to COP
TR

RPG 1-7

**Acton Police Department
Incident Report**

January 23, 2004

Friday 01:01

COPIES

Single Incident

INCIDENT LOCAL #	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER (S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0401401	CALL FOR SERVICE 27 HIGH ST	KRUG DELLICICCH	01/21/2004, 23:20 01/21/2004, 23:24	ANTONELLI GREY
1	FAULKNER HILL RD		01/21/2004, 23:24	MVA/PI
Yes Yes	ACTON, MA, 01720 (01) ARREST		01/22/2004, 00:04	ACCIDENT W/PI CT: ANTONELLI

Reported as: ACCIDENT W/PI Found as: ACCIDENT W/PI
Domestic Abuse: No

Dispatcher Remarks:

REPORT OF MVA/PI NEAR ABOVE. AFD/OFC KRUG/OFC DELLICICCHI RESPONDED. SCOTT MOTORS TO TOW MA REG 4603GI/POLE 24/7 STRUCK-NSTAR ADVISED-SGT GREY FOR PHOTOS. (1) TRANSPORTED TO EMERSON/UNDER ARREST

ARRESTED [REDACTED] License: [REDACTED] (MA)
(Female) HIGH ST
M0305110 ACTON MA 01720
Phone: [REDACTED] Race: WHI DOB: 12/18/1967 Age: 36
Commt: ARRESTED: ACCIDENT W/PI

PROP-OWNR [REDACTED] License: [REDACTED]
(Female) [REDACTED] SSN: [REDACTED]
M0400329 [REDACTED] MA 01730
Phone: None Recorded Race: W DOB: 12/18/1967 Age: 36
Commt: PROP-OWNR OF PRESCRIPTION MEDICATION

PROP-OWNR [REDACTED] License: [REDACTED]
(Male) HIGH ST SSN: [REDACTED]
M0400331 ACTON MA 01720
Phone: None Recorded Race: W DOB: 11/28/1960 Age: 43
Commt: PROP-OWNR MA REG 4603GI

PROP-OWNR NSTAR License: None
M0101446 800 BOYLSTON ST
BOSTON MA 02199 DOB: None Recorded
Phone: [REDACTED]
Commt: DAMAGE TO HIGH ST POLE 24/7

WITNESS [REDACTED] License: [REDACTED] (MA)
(Male) [REDACTED] SSN: [REDACTED]
M9003920 ACTON MA 01720
Phone: [REDACTED] Race: WHI DOB: 07/16/1977 Age: 26
Commt: WITNESSED ACCIDENT

WITNESS [REDACTED] License: [REDACTED] (MA)
(Male) [REDACTED]
M9007279 ACTON MA 01720
Phone: [REDACTED] Race: WHI DOB: 09/22/1983 Age: 20
Commt: WITNESSED ACCIDENT

Single Incident

INCIDENT LOCAL #	ACTIVITY ADDRESS (JURISDICTION)	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
PRIORITY	DISPOSITION			
ACC REP				

Incident I0401401 (continued)

Vehicles:

ID	Sr	Status	Color	Year	Make	Model	Style	VIN
V0400091	AC	No status	Green	1999	Dodge	Caravan	Van	
			Tag: MA 4603GI		Personal	Red		
			Person: 03 [REDACTED]		(PROP-OWNR)			

Narrative(s):

Narr. 1: PTL. SCOTT KRUG Division: None Status: Open [I0401401]
 Title: REPORT Entered: PTL. SCOTT KRUG
 Reviewed: No officer

ON THE ABOVE DATE AND TIME AS A RESULT OF A RADIO CALL I WAS REQUESTED TO RESPOND TO A MOTOR VEHICLE ACCIDENT, HIGH ST AT MAIN ST. UPON MY ARRIVAL WITH THE FIRE DEPT THE MVA WAS LOCATED AT 22 HIGH ST. THE VEHICLE WAS FACING EAST ON HIGH ST IN THE WESTBOUND LANE, FACING INTO UTILITY POLE # 24/7. THE VEHICLE HAD EXTENSIVE FRONT END DAMAGE WITH THE AIRBAGS DEPLOYED. THERE WAS A FEMALE STAGGERING AROUND THE VEHICLE, HOLDING ONTO THE VEHICLE AT TIMES TO MAINTAIN HER BALANCE.

I SPOKE WITH THE FEMALE IDENTIFYING HERSELF AS [REDACTED]. I ASKED MS [REDACTED] FOR HER LICENSE, SHE STATED I DON'T HAVE IT WITH ME. MS [REDACTED] STATED SHE WAS THE OPERATOR OF THE VEHICLE. AS THE FIRE DEPT EVALUATED, AND TREATED MS [REDACTED] I OBSERVED MS [REDACTED] STAGGERING, AND CONTINUOUSLY GRABBING THE SIDE OF HER VEHICLE TRYING TO MAINTAIN HER BALANCE. MS [REDACTED] EYES WERE GLASSY, WATERY, AND BLOODSHOT. WHEN SHE SPOKE TO THE FIREFIGHTERS MS [REDACTED] SPEECH WAS SLOWED AND SLURRED. WHILE THE FIRE DEPT TREATED MS [REDACTED] I GOT INTO THE BACK OF THE AMBULANCE TO SPEAK TO HER. IN THE BACK OF THE AMBULANCE I COULD DETECT AN ODOR OF AN ALCOHOLIC BEVERAGE COMING FROM MS [REDACTED]. I ASKED MS [REDACTED] WHAT HAPPENED. MS [REDACTED] STATED SHE WAS TRAVELING EAST ON HIGH ST WHEN A SQUIRREL RAN OUT IN FRONT OF HER VEHICLE. ALLEGEDLY MS [REDACTED] SWERVED TO MISS THE SQUIRREL AND STRUCK A UTILITY POLE. I ASKED MS [REDACTED] IF SHE HAD BEEN DRINKING TONIGHT, SHE STATED SHE HAD TWO BEERS. I ASKED HER WHERE DID SHE HAVE THE 2 BEERS, SHE SAID AT A BAR. I THEN ASKED HER WHAT BAR, SHE HESITATED FOR A MOMENT AND STATED I CAN'T REMEMBER THE NAME OF THE BAR. I THEN ASKED HER WHAT TOWN WAS IT IN, SHE COULD NOT ANSWER THE QUESTION. AFTER A FEW MINUTES MS [REDACTED] STATED A MEXICAN BAR NEXT TO ACE HARDWARE (DANIEALA'S CANTINA). I STEPPED OUTSIDE OF THE AMBULANCE AND OBSERVED THERE WERE NO SKID MARKS ON THE PAVEMENT LEADING TO MS [REDACTED] VEHICLE. AT THIS POINT I INFORMED MS [REDACTED] SHE WAS UNDER ARREST FOR OPERATION OF A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL. I THEN WENT TO EMERSON HOSPITAL WITH MS [REDACTED] BEING TRANSPORTED BY ACTON FIRE. UPON MY ARRIVAL AT EMERSON HOSPITAL MS [REDACTED] WAS EVALUATED IN THE EMERGENCY ROOM.

AFTER MS [REDACTED] WAS TREATED AT EMERSON I READ MS [REDACTED] HER MIRANDA RIGHTS AND SHE STATED SHE UNDERSTOOD HER RIGHTS. I THEN TRANSPORTED MS [REDACTED]

**Acton Police Department
Incident Report**

January 23, 2004

Friday 01:00

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. SCOTT KRUG Incident I0401401

BACK TO THE STATION. UPON MY ARRIVAL AT THE STATION SGT GREY BOOKED MS [REDACTED]. SGT GREY INFORMED ME OFFICER DELLICICCHI SEIZED TWO PRESCRIPTION BOTTLES OF MEDICATION FROM MS [REDACTED] VEHICLE AND TURNED THEM OVER TO HIM. ONE BOTTLE WAS A BOTTLE OF CLONAZEPAN PRESCRIBED TO MS [REDACTED]. THE BOTTLE HAD A WARNING LABEL READING "ALCOHOL MAY INTENSIFY THE EFFECTS". THE SECOND BOTTLE WAS A BOTTLE OF ZOLOF PRESCRIBED TO [REDACTED] MS [REDACTED] SISTER. THIS BOTTLE HAD A WARNING LABEL THAT READ "DO NOT DRINK ALCOHOL". SGT GREY THEN INFORMED ME MS [REDACTED] STATED TO SGT GREY SHE HAD TAKEN THE ZOLOF AND CLONAZEPAN EARLIER IN THE NIGHT. MS [REDACTED] REGISTERED A .17 ON THE BAC.

THE VEHICLE WAS INVENTORIED BY OFFICER DELLICICCHI AND TOWED BY J SCOTT MOTORS. SGT GREY TOOK PHOTOS OF THE SCENE. I WROTE MS [REDACTED] 3 CITATIONS (M0063436, M0063437, M0063438) FOR THE FOLLOWING:

- 90-24 OUI ALCOHOL
- 90-24 OUI DRUGS
- 90-24 OPERATION OF A MOTOR VEHICLE AS TO ENDANGER
- 90-11 NO LICENSE IN POSSESSION
- 89-4A MARKED LANES VIOLATION
- 94C-32 POSSESSION OF CLASS E SUBSTANCE

OFFICER SCOTT KRUG #82
ACTON POLICE

Narr. 2: PTL. SCOTT KRUG Division: None Status: Open [I0401401]
Title: MV ACCIDENT REPORT Entered: PTL. SCOTT KRUG
Reviewed: No officer

Citation Number if issued: M0063436, M0063437, M0063438
VEHICLE ONE WAS TRAVELING EAST ON HIGH ST DROVE IN WESTBOUND LANE AND OFF THE ROAD. VEHICLE ONE STRUCK UTILITY POLE # 24/7. VEHICLE ONE HAD FRONT END DAMAGE.

Narr. 3: PTL. TRICIA DELLICICCHI Division: None Status: Open [I0401401]
Title: SUPPLEMENTAL REPORT Entered: PTL. TRICIA DELLICICCHI
Reviewed: No officer

ON WEDNESDAY JANUARY 21ST, 2004 WHILE IN FULL UNIFORM AND MARKED CRUISER #24 I WAS DISPATCHED TO HIGH ST IN ACTON FOR A MOTOR VEHICLE ACCIDENT WITH PERSONAL INJURY.

UPON ARRIVAL AT THE SCENE I OBSERVED A GREEN MINIVAN, MA. REG. 4603GI, THAT HAD STRUCK A UTILITY POLE IN THE AREA OF 22 HIGH ST, ACTON. OFFICER KRUG AND

**Acton Police Department
Incident Report**

January 23, 2004

Friday 01:01

Single Incident

INCIDENT LOCAL #	ACTIVITY ADDRESS (JURISDICTION)	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
ACC REP	DISPOSITION			

Narrative 3 (continued) By: PTL. TRICIA DELLICICCHI Incident I0401401

THE ACTON FIRE DEPARTMENT HAD ALREADY ARRIVED ON THE SCENE AND OFFICER KRUG WAS IN THE ACTON AMBULANCE WITH THE OPERATOR OF THE VEHICLE, [REDACTED]. OFFICER KRUG THEN EXITED THE AMBULANCE AND STATED TO THIS OFFICER THAT [REDACTED] WOULD BE UNDER ARREST FOR OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL. THE ACTON FIRE DEPARTMENT THEN TRANSPORTED [REDACTED] DOWN TO EMERSON HOSPITAL IN CONCORD WHERE HER INJURIES COULD BE EVALUATED. OFFICER KRUG FOLLOWED THE ACTON FIRE DEPARTMENT DOWN TO THE HOSPITAL WHILE I REMAINED WITH [REDACTED] VEHICLE.

WHILE WAITING FOR THE TOWING COMPANY (J. SCOTT MOTORS) TO ARRIVE I CONDUCTED AN INVENTORY SEARCH OF THE MOTOR VEHICLE. I OBSERVED THAT BOTH AIRBAGS HAD BEEN DEPLOYED AND THERE WAS SEVERE FRONT END DAMAGE. I THEN SEIZED TWO (2) PRESCRIPTION BOTTLES OF MEDICATION FROM THE FRONT PASSENGER SEAT AND FLOOR. THE PRESCRIPTION BOTTLES READ CLONAZEPAN AND ZOLOFT AND WERE TAKEN AS EVIDENCE. AFTER COMPLETING THE INVENTORY I OBSERVED TWO (2) MALE SUBJECTS STANDING AT THE DRIVEWAY TO 25 HIGH ST. I APPROACHED THE YOUNG MALES AND ASKED THEM IF THEY HAD SEEN THE ACCIDENT, BOTH PARTIES STATED THAT, " THEY HEARD A LOUD SCREECH AND THEN A CRASH. " IT WAS AT THIS TIME SGT. GRAY ARRIVED TO PHOTOGRAPH THE ACCIDENT SCENE AND J. SCOTT MOTORS ARRIVED. I ASKED THE MALE SUBJECTS IF THEY WOULD MIND GIVING A STATEMENT AND THEY STATED THAT THEY WOULDN'T MIND.

AFTER SGT. GRAY AND J. SCOTT MOTORS (TOWING COMPANY) HAD CLEARED THE ACCIDENT SCENE I SPOKE TO THE TWO (2) MALE WITNESSES. THE WITNESSES IDENTIFIED THEMSELVES AS [REDACTED] AND [REDACTED] OF [REDACTED] ST, ACTON. THEY BOTH STATED THAT, " THEY WOULD LIKE TO REMAIN ANONYMOUS BUT THEY DID WANT TO LET ME KNOW THAT THEY OBSERVED [REDACTED] EXIT HER VEHICLE AFTER STRIKING THE UTILITY POLE. " THEY ALSO STATED THAT, " [REDACTED] THEN STUMBLED UP TO THEM, AND IT WAS THEN THAT BOTH [REDACTED] AND [REDACTED] ASKED IF SHE WAS ALRIGHT. [REDACTED] STATED THAT SHE WAS OK AND THAT AN ANIMAL HAD RAN IN FRONT OF HER VEHICLE CAUSING HER TO CRASH. " BOTH [REDACTED] AND [REDACTED] STATED THAT THEY HAD A HARD TIME UNDERSTANDING [REDACTED] DUE TO HER SLURRED SPEECH. BOTH [REDACTED] AND [REDACTED] STATED THAT SHE APPEARED UNSTEADY ON HER FEET AND WAS ACTING AS IF SHE WAS INTOXICATED. "

LASTLY, I ASKED THEM BOTH IF I COULD HAVE THEIR BIRTHDATES. IT WAS AT THIS TIME BOTH [REDACTED] AND [REDACTED] STATED, " THEY DIDN'T WANT THEIR NAMES MENTIONED AND THAT THEY DIDN'T THINK THEY WANTED TO BE WITNESSES. " I ASKED THEM TO WRITE A WRITTEN STATEMENT OF WHAT THEY OBSERVED AND DROP IT OFF AT THE ACTON POLICE DEPARTMENT. BOTH PARTIES STATED THEY WOULD THINK ABOUT IT.

Tricia Dellicicchi #91

Acton Police Department
Incident Report

January 23, 2004

Friday 01:01

Single Incident

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Narrative 3 (continued) By: PTL. TRICIA DELLICICCHI Incident I0401401

PTL. TRICIA DELLICICCHI #91
ACTON POLICE DEPARTMENT