



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

May 27, 2016

10 HIGH STREET RESTAURANT LLC D/B/A SERAFINA
8-10 HIGH ST.
BOSTON, MA 02110
LICENSE#: 011600434
VIOLATION DATE: 09/26/2015
HEARD: 05/24/2016

After a hearing on May 24, 2016, the Commission finds 10 High Street Restaurant LLC d/b/a Serafina violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, §34C Possession of an alcoholic beverage by a person under twenty-one (21) years of age (8 Counts).

The Commission **suspends the license for a period of twenty-eight (28) days of which eighteen (18) days will be served, and ten (10) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

The suspension shall commence on Wednesday, July 20, 2016 and terminate on Saturday, August 6, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 20, 2016 at 9:00 A.M. It will be returned to the licensee Sunday, August 7, 2016.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
M. Teehan, J. Carey, N. Velez, Investigators
William Ferullo, Esq. via facsimile 617-946-4624
Administration, File



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DECISION

10 HIGH STREET RESTAURANT LLC D/B/A SERAFINA
8-10 HIGH ST.
BOSTON, MA 02110
LICENSE#: 011600434
VIOLATION DATE: 09/26/2015
HEARD: 05/24/2016

10 High Street Restaurant LLC d/b/a Serafina (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 24, 2016, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, §34C Possession of an alcoholic beverage by a person under twenty-one (21) years of age (8 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Temple's report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report dated September 27, 2015;
2. Licensee's Stipulation of Facts;
3. Identifications; and
4. Photograph of Text Message.

There is one (1) audio recording of this hearing.

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Saturday, September 26, 2015, Investigators Teehan, Carey, Velez, and Temple, along with Chief Investigator Mahony ("Investigators") investigated the business operation of 10 High Street Restaurant LLC d/b/a Serafina to determine the manner in which their business was being conducted.

2. At approximately 4:45 p.m., Investigators entered the licensed premises and observed approximately 150 individuals on the premises, several of whom appeared to be under the age of 21 and in possession of alcoholic beverages.
3. As Investigators began to request identification from patrons, they observed an estimated 75 youthful appearing individuals exit the licensed premises, which significantly decreased the occupancy load.
4. Investigators also observed female individuals standing on tables. One female was drinking directly from a bottle of Grey Goose vodka and several other individuals served themselves from bottles of alcoholic beverages on their tables.
5. Investigators observed a male individual, known to them as Cameron Grob, who approached a group of youthful appearing female individuals. Mr. Grob pointed to the wrists of the females. The female patrons then ripped off their wrist bands and exited the premises through the back door.
6. Investigators observed two youthful appearing male individuals in possession of alcoholic beverages. Underage #1, actual date of birth of 03/14/1995 (age 20) was in possession of a white wine. Underage #1 stated that he used his real identification to gain entry into the premises. Underage #2 was in possession of a kamikaze mixed drink. He stated that he used a false identification to gain entry to the premises.
7. Investigators escorted the two underage males to the front door to be identified to the manager of record, Roberto Porsia. Another Investigator at the front door recorded the identification information from the underage patrons.
8. Investigators observed another female individual in possession of a glass of white wine. Underage #3, actual date of birth 04/25/1996 (age 19) provided Investigators with a false Florida identification. She admitted to possessing a glass of white wine. Underage #3 asked Investigators, "Why am I getting kicked out? There are so many more underage here." Investigators identified Underage #3 to Mr. Porsia.
9. Investigators observed a female individual in possession of a glass of white wine. Underage #4, actual date of birth 10/20/1995 (age 20) provided Investigators with a false El Salvadorian identification. She admitted to possessing a glass of white wine. Underage #4 stated to Investigators, that she knew of other individuals who were under 21 and drinking on the premises. Investigators identified Underage #4 to Mr. Porsia.
10. Investigators observed two youthful appearing female individuals, in possession of alcoholic beverages, who were at the rear of the premises. Underage #5, actual date of birth 09/22/1996 (age 19) provided Investigators with a false international driver's license. She admitted to possessing a vodka mixed drink.
11. Underage #6, actual date of birth 07/11/1996 (age 19) provided Investigators with a false international driver's license. She also admitted to possessing a vodka mixed drink. Investigators identified Underage #5 and #6 to Mr. Porsia.
12. Investigators observed a youthful appearing female in possession of an alcoholic beverage. Underage #7 had an actual date of birth of 12/09/1994 (age 20). She admitted to possessing a glass of white wine and stated that she had used a false Texas identification to gain entry to the premises. Underage #7 was identified to Mr. Porsia.

13. Investigators observed a youthful appearing female in possession of an alcoholic beverage. Underage #8 had an actual date of birth of 10/10/1994 (age 20). She admitted to possessing a glass of white wine and stated that she had used an altered photocopy of her passport to gain entry to the premises.
14. Investigators interviewed Mr. Porsia regarding the event being held at the premises as well as the ownership and operational control of the restaurant. Mr. Porsia stated that as the manager of record, he deals with the management for the restaurant. Seth Greenburg is the owner, and Cameron Grob is an operating partner, the "main guy" who deals with the operation for the licensed premises.
15. Mr. Porsia further stated that Mr. Grob is responsible for the promotion and implementation of the event held on this date, and Mr. Grob also promotes events at the Julep Bar¹.
16. Mr. Porsia stated that since business was bad in the summer, Grob decided to schedule the event at this location. Mr. Porsia was against scheduling the event and told his superiors that he did not want to host these events.
17. Mr. Porsia stated that two employees were assigned to check identifications for this event, but they were told to be lenient.
18. When Investigators asked who told the door staff to be lenient, Mr. Porsia said he would take the blame. Investigators asked if Mr. Grob issued the instructions to be lenient, and Porsia responded yes.
19. Investigators requested to speak with Mr. Grob. Mr. Porsia stated that Grob had been at the premises but he left when Investigators arrived. Mr. Porsia tried to contact Grob on his cell phone but Mr. Grob didn't answer his phone.
20. Investigators then asked Mr. Porsia to send a text message to Mr. Grob and inform him that if he did not respond and cooperate with Investigators, the licensee could be subject to charges of hindering the investigation.
21. Mr. Porsia sent Mr. Grob a text stating, "they want to talk to u...The abcc is telling me to tell u that if you don't come here you're refusing to cooperate with investigation." Mr. Grob responded via text that "I'm out of town...we have our lawyer deal with it."
22. Investigators noted that while conducting the investigation between approximately 4:00 p.m. – 6:00 p.m., Investigators had observed Mr. Grob on the licensed premises on numerous occasions. Investigators observed Mr. Grob in the bar area, the dining area, and in the men's restroom.
23. Investigators informed Mr. Porsia of the violations and that a report would be filed with the Commission for further review.

¹ Glory RBG LLC d/b/a Julep Bar located at 200 High Street holds a § 12 license and was the subject of ABCC hearings on the two separate violations of M.G.L. C. 138, § 34C (9 Counts) and (14 Counts). The license has been indefinitely suspended since June 24, 2015.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, §34C Possession of an alcoholic beverage by a person under twenty-one (21) years of age (8 Counts). Therefore the Commission **suspends the license for a period of twenty-eight (28) days of which eighteen (18) days will be served, and ten (10) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: May 27, 2016

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

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