



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358

Jean M. Lorizio, Esq.
Chairman

DECISION

150 CANAL STREET INC. D/B/A HURRICANE'S AT THE GARDEN
150 CANAL STREET
BOSTON, MA 02114
LICENSE#: 03673-RS-0116
VIOLATION DATE: 12/09/2023
HEARD: 4/2/2024

150 Canal Street Inc. d/b/a Hurricane's at the Garden ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, April 2, 2024, regarding an alleged violation of M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator McDonough's report.

The following documents are in evidence:

1. Investigator McDonough's Report;
 2. ABCC Application Summary Review, Transfer of License Approved 10/17/2017;
 3. ABCC Decision 2/12/2024;
 4. Licensee's Stipulation of Facts.
- A. Licensee's Security and Safety Policy & Procedure Manual.

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

FINDINGS OF FACT

1. On Saturday, December 9, 2023, at approximately 4:30 p.m., Investigators David and McDonough ("Investigators") inspected 150 Canal Street Inc. d/b/a Hurricane's at the Garden ("Licensee") to determine the way its business was being conducted.
2. Investigators' attention was drawn to an unidentified female individual (UF) wearing a green shirt who was hugging people and stumbling into other patrons.
3. At approximately 5:00 p.m., Investigators observed UF walking with an unsteady gait and having a blank stare as she approached numerous other patrons. UF was touching and hugging others with a lack of inhibition.

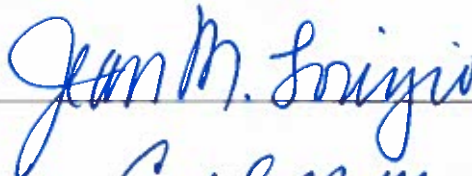
4. At approximately 5:10 p.m., Investigators observed UF approaching male patrons and dancing erratically.
5. At approximately 5:15 p.m., Investigators observed UF quickly drinking the remainder of her drink as she approached the bar with an unsteady gait, in full sight of the bartenders on duty. Investigators heard UF slurring her words as she spoke.
6. Based on their training and experience, Investigators determined UF was intoxicated.
7. UF spoke to the bartender on duty and ordered two vodka lemonades. Investigators observed the bartender deliver the mixed beverages to UF and she paid for the drinks with a card.
8. Investigators Smith and Gould entered the licensed premises and identified UF to the manager on duty, informed him of the violation and that a report would be filed with the Chief Investigator for further review.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). As a result, the Commission **suspends the license for a period of one (1) day which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: September 17, 2024

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
David McDonough, Investigator
John David, Investigator
Brian Gould, Investigator
Nicole Smith, Investigator
Stephen V. Miller, Esq.
Administration, File