



*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: 12/10/2022
HEARD: 4/25/2023**

150 Canal Street Inc d/b/a Hurricane's at the Garden (the "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 25, 2023, 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 Quinn's report.

The following documents are in evidence:

1. Investigator Quinn's Report, 12/10/2022;
2. ABCC Application Summary Review, Transfer of License Approved, 10/17/2017;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Saturday, December 10, 2022, Investigators Cutter and David inspected the licensed premises of 150 Canal Street Inc d/b/a Hurricane's at the Garden ("Licensee") to determine the way its business was being conducted.
2. At approximately 3:30 p.m., Investigators Cutter and David entered the licensed premises, and their attention was drawn to an unknown male individual ("UM") in a Santa suit, who appeared to be intoxicated. UM was observed hugging people and spilling the two drinks, Vodka and Red Bull, in his possession.
3. At approximately 3:35 p.m., Investigators observed UM had an unsteady gait and a blank stare as he approached numerous people, physically touching, hugging and high fiving them.
4. At approximately 3:45 p.m., Investigators observed UM approach female patrons and dance erratically with them while spilling the drinks in his possession.

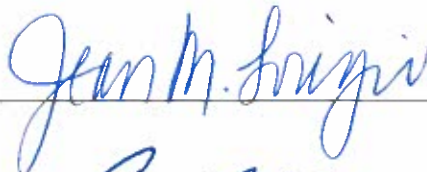
5. At approximately 3:55 p.m., Investigators observed UM quickly consumed the remainder of his drink. He approached the bar with an unsteady gait. His speech was slurred, and he fumbled as he grabbed straws from the bar and handed them to other patrons. UM was in a clear line of sight of the bartenders.
6. Based on their training and experience, Investigators determined UM was intoxicated.
7. Investigators observed UM order three Red Bull and vodkas from the bartender. The bartender delivered the three alcoholic beverages to UM. The bartender asked if he was "going to pay for those drinks." UM made payment with a credit card.
8. Investigators then observed UM ask the bartender how to carry the three drinks at once. The bartender showed UM how to carry the drinks. UM clumsily walked away from the bar with the three drinks, spilling them slightly.
9. Investigators Cutter and David then informed Investigators Keefe and Quinn of the violation.
10. Investigators Quinn and Keefe entered the licensed premises and identified UM to the manager on duty, Nolan.
11. Investigators Quinn and Keefe advised the manager of the violation and that a report would be filed with the Chief Investigator for further review.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017 with no previous violations.

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). Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: February 12, 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
Katelyn Quinn, Investigator
Alicia Cutter, Investigator
John David, Investigator
Dennis Keefe, Investigator
Administration, File