



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**GAME ON FENWAY LLC D/B/A GAME ON SPORTS CAFE
72-82 LANSDOWNE STREET
BOSTON, MA 02215
LICENSE#: 00128-RS-0116
VIOLATION DATE: 12/31/2022
HEARD: 5/02/2023**

Game On Fenway LLC d/b/a Game on Sports Cafe (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, May 2, 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 Temple's report.

The following documents are in evidence:

1. Investigator Temple's Report;
2. ABCC Cover Page Approval, 4/2/2008;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Saturday, December 31, 2022, Investigators David, Terasconi, Smith, and Temple ("Investigators") inspected the licensed premises of Game on Fenway LLC d/b/a Game on Sports Cafe ("Licensee") to determine the way its business was being conducted.
2. At approximately 8:46 p.m., Investigators Terasconi and David entered the licensed premises in an undercover capacity and observed an unknown male individual ("UM") dressed in a blue tuxedo who appeared to be intoxicated.
3. Investigators observed UM's eyes were glassy and he swayed in place. Investigators observed UM lean against the wall for support. Based on their training and experience, Investigators determined that UM was intoxicated.
4. At approximately 8:49 p.m., Investigators observed UM leaning against the bar. Investigators could see the Notes application was open on UM's mobile phone and two drinks were listed: "Vodka Cran" and "Coors Light." A bartender approached UM and

asked for his drink order. UM looked at his phone and spoke incoherently to the bartender. The bartender appeared frustrated and walked away.

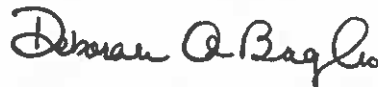
5. Investigator David spoke with UM and observed that his speech was slurred. UM said he had been waiting 3 minutes for a drink; Investigator David noted that UM had been waiting 10 minutes.
6. At approximately 9:05 p.m., Investigators observed UM, with slurred speech, read the drink order from his phone to the bartender. The bartender delivered the alcoholic beverages to the UM at approximately 9:06 p.m.
7. Investigators Smith and Temple entered the licensed premises and identified UM to the manager on duty.
8. Security staff escorted UM off the premises.
9. Another staff member approached Investigators and identified herself as the general manager. Investigators informed her of the violation and that a report would be filed with the Chief Investigator for further review.
10. Mr. Frank Hart, Security Director, appeared before the Commission and testified that after Investigators pointed out UM, he escorted him out of the licensed premises and waited with him until his friends came out.
11. The Licensee has held a license under M.G.L. c. 138, § 12 since 2008 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

Deborah Baglio, Commissioner



Crystal Matthews, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Jean M. Lorizio, Chairman



Dated: June 8, 2023

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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2023-000027-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Christopher Temple, Investigator
John David, Investigator
Nicole Smith, Investigator
Nicole Terasconi, Investigator
Administration, File