



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**HIGH STREET RESTAURANT GROUP LLC D/B/A DOWN ULTRA LOUNGE
184 HIGH STREET
BOSTON, MA 02110
LICENSE#: 01441-RS-0116
VIOLATION DATE: 12/16/2022
HEARD: 5/30/2023**

High Street Restaurant Group LLC d/b/a Down Ultra Lounge (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 30, 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 Form 43, Transfer of License Approval, 4/21/2010;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

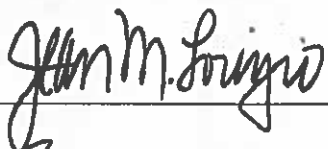
1. On Friday, December 16, 2022, Investigators David and Terasconi ("Investigators") entered the licensed premises of High Street Restaurant Group LLC d/b/a Down Ultra Lounge ("Licensee") in an undercover capacity to determine the way its business was being conducted.
2. At approximately 11:45 p.m., Investigators Terasconi and David observed an unknown male individual ("UM"), who appeared to be intoxicated. Investigators observed UM had a blank stare with glassy and watery eyes. UM appeared to have difficulty maintaining his balance while standing and he swayed back and forth.
3. Investigator David communicated with UM and observed his speech was slurred and unclear.
4. Investigators David and Terasconi determined UM was intoxicated.

5. Investigators David and Terasconi then observed UM at the bar, within a clear line of sight of the bartender. UM's eyes were glassy and partially shut, and he was swaying. UM chugged the rest of his drink which appeared to be 2/3 full.
6. Investigators David and Terasconi observed UM leaning on the bar and communicating with the bartender in slurred speech. The bartender appeared to become agitated with UM and asked him firmly to state what he wanted.
7. At approximately 11:52 pm., the bartender served UM three shots of a dark alcoholic beverage. UM shared the shots with two other individuals and consumed his shot. The bartender then served UM two alcoholic mixed beverages.
8. Chief Investigator Mahony and Investigator Temple then entered the licensed premises and identified UM to the staff and the manager on duty. The manager requested that UM leave the premises and ensured that he had safe transport home.
9. Investigator Temple informed the manager of the violation and that a report would be filed with the Chief Investigator for further review.
10. The Licensee has held a license under M.G.L. c. 138, § 12 since 2010 with no previous violations.
11. Paul Holian, Licensee, appeared at the Commission hearing along with Arthur Lucas, Chief of Operations for the Licensee. Messrs. Holian and Lucas both acknowledged the incident and informed the Commission they have met with staff and conduct weekly trainings wherein they address overservice.

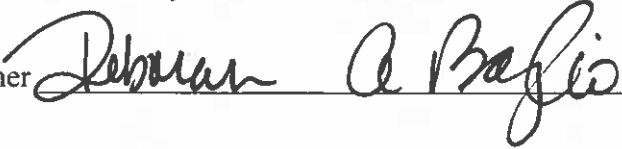
CONCLUSION

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 issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman 

Crystal Matthews, Commissioner 

Deborah Baglio, Commissioner 

Dated: October 18, 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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- cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Christopher Temple, Investigator
John David, Investigator
Nicole Terasconi, Investigator
Dennis A. Quilty, Esq.
Administration, File