



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**JOHNNIES ON THE SIDE LLC D/B/A WEST END JOHNNIES
138 PORTLAND STREET
BOSTON, MA 02114
LICENSE#: 006373-RS-0116
VIOLATION DATE: 12/10/2022
HEARD: 6/13/2023**

Johnnies On The Side LLC d/b/a West End Johnnies (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, June 13, 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 Bolcome's report.

The following documents are in evidence:

1. Investigator Bolcome's Report;
 2. ABCC Form 43, Transfer of License Approval, 9/17/2007;
 3. ABCC Decision, 11/24/2021;
 4. ABCC Decision, 1/3/2012;
 5. Licensee's Stipulation of Facts.
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- A. Letter from Dram Shoppe Consultants, 3/1/2023;
 - B. Johnnie's Nightlife Staff Guidelines (4 pages).

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

FINDINGS OF FACT

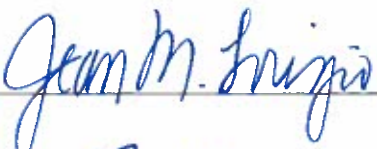
1. On Saturday, December 10, 2022, Investigators Anderson, Fleming, Terasconi, and Bolcome ("Investigators") inspected the licensed premises of Johnnies On The Side LLC d/b/a West End Johnnies ("Licensee") to determine the way its business was being conducted.
2. At approximately 3:40 p.m., Investigators Fleming and Terasconi entered the licensed premises in an undercover capacity.

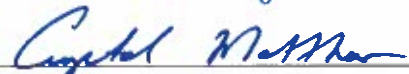
3. Investigators Fleming and Terasconi reported that they observed a male individual on the first floor, wearing a blue Barstool Sports sweater and a Santa hat, who appeared to be showing signs of intoxication and was drinking a High Noon Hard Seltzer.
4. Investigators Fleming and Terasconi reported that the male individual was stumbling and swaying to the point where he almost fell over. The individual was exhibiting this behavior while in a clear line of sight of the bartender on the first floor. Investigator Fleming reported that he spoke to the subject and observed thick, slurred speech in addition to bloodshot and glassy eyes.
5. Investigator Fleming and Terasconi continued to observe the male individual as he moved to the bottom floor of the premises. Investigator Fleming reported that the individual continued to show signs of intoxication; including his eyes closing, swaying, and stumbling into his friends, while in a clear line of sight of the bartender on the bottom floor.
6. Investigator Fleming reported that the male individual then went to the left side of the bar to order another drink. Investigator Fleming spoke with the individual again as he leaned on the bar and observed him to have thick and slurred speech.
7. Investigator Fleming then observed the subject order and pay for a rum and Coke mixed drink delivered by a female bartender on the left side of the bar at 4:12 p.m.
8. Investigators Anderson and Bolcome entered the licensed premises, made contact with manager, Artie Medeiros, and pointed out the intoxicated male individual to him. Mr. Medeiros then had the individual escorted from the premises.
9. Investigator Bolcome advised Mr. Medeiros of the violation and that a report would be filed with the Chief Investigator for further review.
10. Investigator Bolcome appeared at the Commission hearing and testified as to what Investigators Fleming and Terasconi conveyed to him, as well as to his interactions with the Licensee on the night of December 10, 2022.
11. The Licensee has held a license under M.G.L. c. 138, § 12 since 2007.

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: January 8, 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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2023-000019-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
David Bolcome, Investigator
Melissa Anderson, Investigator
Sean Fleming, Investigator
Nicole Terasconi, Investigator
Seamus O'Kelly, Esq.
Administration, File