

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

REMY'S FENWAY GROUP, LLC DBA JERRY REMY'S SPORTS BAR & GRILLE
1265 BOYLSTON STREET
BOSTON, MA 02110
LICENSE#: 011600339
HEARD 3/27/2012

Remy's Fenway Group, LLC dba Jerry Remy's Sports Bar & Grille (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 27, 2012, regarding an alleged violation of 204 CMR 4.03(2) (1 Count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Paul Capurso's Investigative Report.

The following documents are in evidence:

1. Investigator Capurso's Investigative Report dated December 29, 2011;
 2. Licensee's Stipulation of Facts;
 3. Advertisement from Stuff Magazine for New Years Eve Open Bar; and
 4. Postcard advertisement for New Years Eve Open Bar.
- A. Letter dated December 31, 2011 from Attorney Evlogiadis to Investigator Capurso.

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

FACTS

1. On Thursday, December 29, 2011, at approximately 10:30 p. m., Investigators Dennis Keefe and Paul Capurso investigated the business operation of Remy's Fenway Group, LLC dba Jerry Remy's Sports Bar & Grille to determine the manner in which their business was being conducted.
2. Investigators asked to speak with the manager on duty regarding an advertisement that appeared in *Stuff Magazine* which showed "Open Bar 8:00 p.m. to 10:00 p.m." and a cost of "\$25 per person".
3. While waiting for the manager on duty, investigators observed several signs posted advertising the open bar.
4. Investigators informed the manager on duty of the violation and that a report would be submitted to the Chief Investigator for review.

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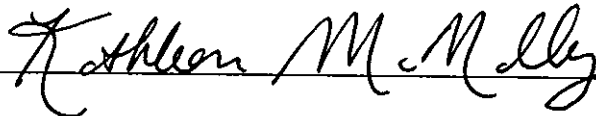
5. Investigators provided the manager on duty with a copy of the Commission guidelines which address Happy Hour regulations.
6. On Friday, December 30, 2011, investigators spoke with Attorney Mark Evlogiadis who stated he would work with his client to make sure that they were in compliance on New Year's Eve.
7. Attorney Evlogiadis stated the violation was the result of a mistake made by an uninformed employee.
8. In Attorney Evlogiadis' letter of December 31, 2011, he listed the steps which the licensee took to comply with the Commission regulations.

CONCLUSION

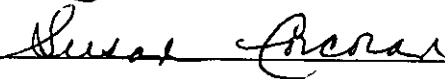
Based on the evidence, the Commission finds the licensee violated 204 CMR 4.03(2) (1 Count). Therefore, the Commission **suspends the license for two (2) days, of which two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: March 27, 2012

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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Paul Capurso, Investigator
Mark Evlogiadis, Esq. via facsimile
Administration
File