



*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**SIP WINE BAR & KITCHEN INC.
571-581 WASHINGTON ST.
BOSTON, MA 02116
LICENSE#: 0116-01095
VIOLATION DATE: 12/31/2017
HEARD: 03/27/2018**

Sip Wine Bar & Kitchen Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 27, 2018, regarding alleged violations of:

- 1) 204 CMR 4.00 (2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03, to wit: 204 CMR 4.03 Certain Practices Prohibited (1) No licensee or employee or agent of a licensee shall: (d) Sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 1.05, §20.1.5.6.4 Failure to Complete the Fire & Building Safety Checklist as prescribed by the Marshall, on each day of operation prior to opening the facility to patrons.

Prior to the hearing the Licensee stipulated to the violations in Investigator Di Cicco's report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Sunday, December 31, 2017, at approximately 10:00 p.m., Investigators Wilichoski and Di Cicco ("Investigators") investigated the business operation of Sip Wine Bar & Kitchen Inc. to determine the manner in which its business was being conducted.
2. Prior to entering the licensed premises, Investigators observed a public advertisement for a New Year's Eve party at the premises. Tickets were advertised for \$65.00 per person when purchased from EventBrite, and \$95.00 per person if purchased at the door. The advertisement stated the ticket price included an Open Bar with Premium Well Beverages and a New Year's Eve Specialty Cocktail.
3. After Investigators entered the premises, they asked to speak with a manager. Emily Harding identified herself to Investigators as the general manager, and she stated the advertisement was accurate and included an open bar. Harding stated tickets to the event were available at the door.
4. Investigators informed Ms. Harding that advertising and operating an open bar was in violation of Commission regulations.
5. Investigators requested to see the Fire Safety Checklist for the licensed premises. Ms. Harding informed Investigators that she was the assigned crowd manager, but she had not completed the Fire Safety Checklist.
6. Investigators informed Harding of the violations and that a report would be submitted for further review.

CONCLUSION

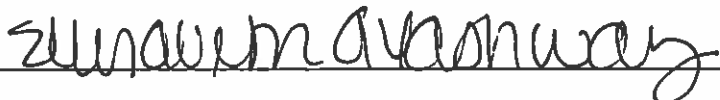
Based on the evidence, the Commission finds the Licensee violated:

- 1) 204 CMR 4.00 (2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03, to wit: 204 CMR 4.03 Certain Practices Prohibited (1) No licensee or employee or agent of a licensee shall: (d) Sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 1.05, § 20.1.5.6.4 Failure to Complete the Fire & Building Safety Checklist as prescribed by the Marshall, on each day of operation prior to opening the facility to patrons.

On the first violation, 204 CMR 4.00 (2) to wit: 204 CMR 4.03 (1) (d), the Commission suspends the license for a period of two (2) days which will be in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

On the second violation, 204 CMR 2.05 (2) to wit: 527 CMR 1.05, § 20.1.5.6.4, the Commission suspends the license for a period of two (2) days which will be in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. This suspension held in abeyance to run concurrently with the one above.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: March 29, 2018

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
Joseph Di Cicco, Investigator
Caroline Wilichoski, Investigator
Stephen V. Miller, Esq.
Administration, File