

***Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, Massachusetts 02114***

**Deborah B. Goldberg**  
*Treasurer and Receiver General*

**Jean M. Lorizio, Esq.**  
*Chairman*

**AMENDED DECISION**

**STATIRES GROUP LLC DBA STATS BAR & GRILL  
77 DORCHESTER STREET  
BOSTON, MA 02110  
LICENSE#: 011600585  
VIOLATION DATE: 12/31/2014  
HEARD: 04/14/2015**

Statires Group LLC dba Stats Bar & Grill (the "Licensee" or "Stats") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, April 14, 2015, regarding alleged violations of:

- 1) 204 CMR 4.03 (1) (d) - No licensee or employee or agent of a license shall 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) 2.04 CMR 4.03 (2) - No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 2.04 CMR 4.03.

Prior to the commencement of the hearing, the Licensee stipulated to the violations alleged in Investigator Doyle's Report. The Commission took Administrative Notice of the Licensee's record.

By decision May 8, 2015, the Commission found the Licensee in violation on both charges and suspended the license for a period of four (4) days of which two (2) days would be served and two (2) days to be held in abeyance for a period of two (2) years, provided no further violations of Chapter 138 or Commission Regulations occur. In the Notice of Suspension, May 8, 2015, the dates to be served were June 25, 2015 to June 26, 2015.

On June 5, 2015, Attorney Brian M. Haney, on behalf of Stats, filed an appeal of the Commission's decision and requested a judicial review to set aside the decision. Stats also requested the Court to stay the suspension.

By letter June 25, 2015, Attorney Haney requested the Commission to stay the suspension while its appeal was pending. The Commission denied the request and issued an Amended Notice of Suspension with new dates to be served on July 1 and July 2, 2015.

Superior Court considered the matter and issued decision on September 21, 2015. "In the circumstances of this case, however, where the weight of the record evidence overwhelmingly indicates Stats was not involved in any license violations, it would be unjust to uphold that stipulation. The court will not do so. Taking the administrative record as a whole, the only reasonable conclusion is that their [sic] lacks substantial evidence to support the finding that Stats violated either 204 CMR §§ 4.03 (1)(d) or 4.03 (2)."

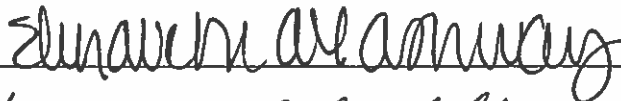
Consequently, the Court remanded the matter to the ABCC in order for it to remove the suspension.

#### CONCLUSION

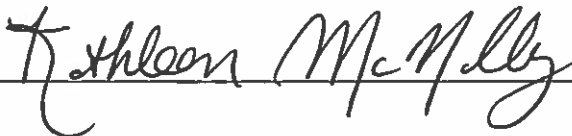
Therefore, based upon the Order of Suffolk Superior Court, the Commission reverses its previous decision of May 8, 2015 and finds the Licensee committed **NO VIOLATION**. Therefore, the suspension is **RESCINDED**.

#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Elizabeth Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: February 8, 2017

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  
Brad Doyle, Investigator  
Jack Carey, Investigator  
Brian M. Haney, Esq. via facsimile 617-646-4470  
AAG Ben Golden  
Administration, File