



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

Deborah B. Goldberg
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim J. Gainsboro, Esq.
Chairman
May 8, 2015

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

After a hearing on April 14, 2015, the Commission finds Statires Group LLC dba Stats Bar & Grill violated:


- 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.

The Commission suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, June 24, 2015, and terminate on Thursday, June 25, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 24, 2015 at 9:00 A.M. It will be returned to the licensee Friday, June 26, 2015.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

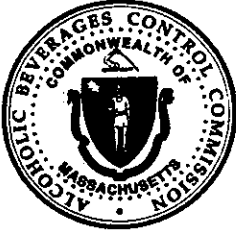
ALCOHOLIC BEVERAGES CONTROL COMMISSION


Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Jack Carey, Investigator
Karen Simão, Esq. via facsimile 617-946-4624
Administration, File

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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") 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, April 14, 2015, regarding an alleged violation 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 following documents are in evidence:

1. Investigator Doyle's Investigative Report dated December 31, 2014; and
2. Licensee's Stipulation of Facts.

A. Licensee's Bank Transaction Report.

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

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

FACTS

1. On Wednesday, December 31, 2014, at approximately 7:30 p. m., Investigators Carey and Doyle (the "Investigators") investigated the business operation of Statires Group LLC dba Stats Bar & Grill to determine the manner in which the business was being conducted and to investigate an event, advertised on a website, for J. A. Stats New Year's Eve "All Access Tickets" for \$110.00.
2. Investigators entered the licensed premises and identified themselves to the manager on duty, Michael Stys.

3. Mr. Stys contacted the owner, James Statiros, by telephone. Mr. Statiros arrived approximately fifteen minutes later.
4. Mr. Statiros stated that the New Year's Eve event was a private party and the bar tab would be paid at the end of the night by the event's host Jeremy Churak. Mr. Churak was a regular customer of the restaurant, and he had asked Mr. Statiros about holding an event.
5. Investigators asked if there was a contract with Mr. Churak for this event. Mr. Statiros said he would email investigators the contract.
6. Investigators received the contract via email that same evening.
7. Investigators informed Mr. Statiros of a Commission advisory¹ in which Licensees who host private functions must be in compliance with 204 CMR §§ 4.00 (the "Happy Hour" law).
8. Investigators further advised Mr. Statiros of the factors that the Commission considers in determining whether a §12 Licensee is holding an event that would be considered a private function, to wit:
 - a) The private function has a host;
 - b) Access to the private function is restricted to invited guests;
 - c) Invited guests are not charged directly or indirectly;
 - d) The host is the only individual responsible for payment to the Licensee;
 - e) The function is not publicly advertised; and
 - f) Written records exist containing the guest list and said list is available for inspection by the Local Licensing Authorities.
9. Investigators informed Mr. Statiros of the violation and that a report would be submitted to the Chief Investigator for further action.

CONCLUSION

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

- 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.

Therefore the Commission suspends the license for a period of four (4) days of which two (2) days will be served and 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.

¹ "Compliance Issues During This Holiday Season" re-issued December 12, 2014. This notice is posted yearly on the Commission's website, www.mass.gov/abcc/advisories "Holiday Season Compliance Reminder" and distributed to local licensing authorities.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner

Kathleen McNally

Elizabeth A. Lashway, Commissioner

Elizabeth A. Lashway

Dated: May 8, 2015

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
Karen Simão, Esq. via facsimile 617-946-4624
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