

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

*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
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## **DECISION**

**SEA VIEW HOLDINGS LLC D/B/A IMPROPER BOSTONIAN  
626 MAIN STREET, RTE. 28  
DENNIS, MA 02639  
LICENSE#: 0278-00021  
VIOLATION DATE: 5/27/2018  
HEARD: 8/28/2018**

Sea View Holdings LLC d/b/a Improper Bostonian (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, August 28, 2018, regarding an alleged violation of 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: Ch. 138 § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Binienda's report.

The following documents are in evidence:

1. Investigator Binienda'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, May 27, 2018, Investigators Velez and Binienda ("Investigators") conducted an investigation of the business operation of Sea View Holdings LLC d/b/a Improper Bostonian to determine the manner in which its business was being conducted.
2. At approximately 4:45 p.m., Investigators identified themselves to the manager, Thomas Paulini, and then entered the licensed premises.
3. Investigators noticed a male individual, Jim (last name unknown), standing approximately 8 to 10 feet away from the bar, who appeared to be intoxicated. Jim was drinking an alcoholic beverage, a mixed cocktail later identified as "sex on the beach" (comprised of vodka, peach schnapps, orange juice and cranberry juice).
4. Investigators observed that Jim's speech was very loud and badly slurred; and that when he attempted to dance, Jim almost fell several times.

5. Investigators observed that Jim's eyes were bloodshot and watery. Jim's eyes were half-closed, and he held onto a female patron for balance.
6. Shortly after, Jim finished his drink and stumbled as he walked to the bar. Jim held onto the bar for balance.
7. Based on their training and experience, Investigators formulated the opinion that Jim was intoxicated.
8. Investigators observed Jim order two more "sex on the beach" cocktails, which the bartender on duty, Samantha, delivered to him. Investigators observed Jim take possession of the drinks, and drink from one of them. He carried the other drink back to the female patron onto whom he had been holding for balance, and gave the drink to her.
9. Investigators identified themselves to Samantha and identified Jim to her. Samantha stated to Investigators that Jim "looked a little slow, I understand, thank you for pointing him out."
10. Investigators then went outside and spoke to Thomas Paulini. Investigators identified Jim to Paulini, who then asked Jim to leave the establishment. A male friend of Jim's offered to drive Jim home.
11. Investigators advised Mr. Paulini of the violation and that a report would be submitted to the Chief Investigator for further action.

#### CONCLUSION

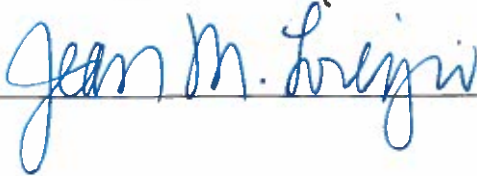
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05(2)-Permitting an illegality on the licensed premises, to wit: Ch. 138 § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 count). Therefore, the Commission **suspends the license for a period of three (3) days which 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

Elizabeth A. Lashway, Commissioner



Jean M. Lorizio, Chairman



Dated: August 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  
Jamie Binienda, Investigator  
Nicholas Velez, Investigator  
William Cintolo, Esq. via facsimile 617-330-8774  
Administration, File