



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

May 13, 2026

**PORTIER, LLC
1515 THIRD STREET
SAN FRANCISCO, CA 94158
LICENSE#: XM-LIC-000577
VIOLATION DATES: 10/27/2022, 10/28/2022, 10/29/2022, 2/16/2023.
HEARD: 9/10/2024**

After a hearing on September 10, 2024, the Commission finds Portier LLC d/b/a Uber Eats violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts).

- 1) M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age which occurred on 10/27/22, 10/28/22, & 10/29/22.
- 2) M.G.L. Ch. 138 § 22 Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof; and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation. (10/27/22, 10/28/22, 10/29/22 and 2/16/23)¹

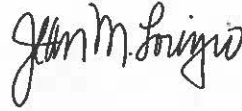
The Commission **suspends the license for a period of five (5) days to be served. NO OFFER IN COMPROMISE WILL BE CONSIDERED FOR THIS FIVE (5) DAY SUSPENSION.**

The suspension shall commence on Monday, July 13, 2026, and terminate on Friday, July 17, 2026. The license will be delivered to the ABCC or its designee on Monday, July 13, 2026, at 9:00 A.M. It will be returned to the licensee on July 18, 2026.

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.

¹ These matters were originally scheduled for separate hearings. The ABCC Enforcement Division filed a Motion to Consolidate to which Attorney Joshua Segal assented. The Commission allowed said motion.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Jean M. Lorizio
Chairman

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。
यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए
Dokiman sa a enpòtan epi li ta dwe tradwi touswit
‘Đây là tài liệu quan trọng và cần được dịch ngay’
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2022-000187-ad-enf (vd 10/27/22; 1 of 4) CT
2022-000188-ad-enf (vd 10/28/22; 2 of 4) MT
2022-000189-ad-enf (vd 10/29/22; 3 of 4) BG
2023-000012-ad-enf (vd 2/16/23; 4 of 4) RG only s22

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Robert Gardner, Investigator
Brian Gould, Investigator
Nicole Smith, Investigator
Michael Teehan, Investigator
Christopher Temple, Investigator
Nicole Terasconi, Investigator
J. Mark Dickison, Esq.
Joshua Segal, Esq.
Administration, File



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358

Jean M. Lorizio, Esq.
Chairman

DECISION

PORTIER, LLC
1515 THIRD STREET
SAN FRANCISCO, CA 94158
LICENSE#: XM-LIC-000577
VIOLATION DATES: 10/27/2022, 10/28/2022, 10/29/2022, 2/16/2023.
HEARD: 9/10/2024

Portier LLC d/b/a Uber Eats (the “Licensee” or “Uber” or “Uber Eats”) holds an express transportation permit issued pursuant to M.G.L. c. 138, § 22. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Tuesday, September 10, 2024, regarding alleged violations of:

- 1) M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age which occurred on 10/27/22, 10/28/22, & 10/29/22.
- 2) M.G.L. Ch. 138 § 22 Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof; and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation. (10/27/22, 10/28/22, 10/29/22 and 2/16/23)¹

The following documents are in evidence:

1. Portier’s LLC’s M.G.L. c. 138, § 22 Master Express Transportation Permit;
2. Investigative Report of C. Temple, 10/27/2022;
3. Photograph of Fraudulent Identification;
4. Photograph of Uber App Order;
5. Licensee Stipulation of Facts re: violation on 10/27/2022;
6. Investigative Report of M. Teehan, 10/28/2022;
7. Photographs of Order Screens;
8. Photographs of Fraudulent Identifications;

¹ These matters were originally scheduled for separate hearings. The ABCC Enforcement Division filed a Motion to Consolidate to which Attorney Joshua Segal assented. The Commission allowed said motion.

9. Licensee Stipulation of Facts re: violation on 10/28/2022;
10. Investigative Report of B. Gould, 10/29/2022;
11. Photograph of Fraudulent Identification;
12. Photograph of Mobile Phone Order Details from Uber;
13. Licensee Stipulation of Facts re: violation on 10/29/2022;
14. Investigative Report of R. Gardner, 2/16/2023;
15. Photograph of Delivery Driver's Massachusetts Driver's License;
16. Photograph of Uber Mobile Phone App Order Details;
17. Licensee's Stipulation of Facts re: violation on 2/16/2023.

- A. Uber Eats Alcohol Deliver Slide Presentation;
- B. Uber Eats How Alcohol Delivery Works on Uber Eats;
- C. Uber Eats Educating Couriers on Alcohol Compliance;
- D. Uber Eats Massachusetts Education Module;
- E. Uber Eats Massachusetts Education Module Questions.

There is one (1) audio recording of this hearing. The record was left open until October 8, 2024, to allow the parties to submit post hearing memoranda. The Licensee timely submitted its memorandum. The Enforcement Division did not submit a memorandum.

FINDINGS OF FACT

1. On Thursday, October 27, 2022, Investigators Smith, Terasconi, and Temple conducted surveillance of Wild Duck Inc. d/b/a The Wild Duck located at 86 Massachusetts Avenue in Boston. The Wild Duck holds an alcoholic beverages retail package store license issued pursuant to M.G.L. c. 138, § 15. (Testimony, Exhibit 2)
2. At approximately 7:25 p.m., Investigators observed a male individual double park in front of The Wild Duck. Investigators observed the male exit the premises in possession of a green bag which contained what appeared to be a 1.75-L bottle of an alcoholic beverage. He placed the bag in his motor vehicle. Id.
3. Investigators followed this vehicle to the Boston College campus. They observed a youthful appearing male individual exit a freshman residence hall and approach the vehicle. Investigators observed the driver deliver the green bag to the youthful appearing male. Id.
4. Investigators approached the driver and the youthful appearing male, identified themselves, and requested the male produce proof of legal age to purchase and/or possess alcoholic beverages. Id.
5. Underage #1, actual date of birth 11/25/2003 (age 18), stated that he purchased a 1.75-L bottle of New Amsterdam vodka through the Uber Eats application. Underage #1 informed Investigators he had presented the driver with a fraudulent Colombian identification card bearing his name and photograph but a different birth date. There was an issue with the driver's identification scanner, so he had Underage #1 entered his information manually on a portable device. The driver then scanned his own driver's license before handing the alcoholic beverage to Underage #1. (Testimony, Exhibits 2, 3, 4)

6. The driver stated that he worked for Uber Eats but when asked to produce his transportation permit, he stated he did not have one and did not know where he could obtain one. (Testimony, Exhibit 2)
7. On Friday, October 28, 2022, Investigators Terasconi and Teehan ("Investigators") conducted surveillance of Wild Duck Inc. d/b/a The Wild Duck located at 86 Massachusetts Avenue in Boston. (Testimony, Exhibit 6)
8. At approximately 7:55 p.m., Investigators observed a male individual park in front of The Wild Duck. The male entered the establishment and then exited in possession of a green bag containing what appeared to be alcoholic beverages which he placed in his vehicle. Id.
9. Investigators followed this vehicle to Commonwealth Avenue, near the Boston University campus. They observed a youthful appearing female individual waiting on the sidewalk, approach the vehicle. Investigators observed the driver deliver the green bag to the female. Id.
10. Investigators approached the driver and the female, identified themselves and requested the female provide proof of legal age to purchase and/or possess alcoholic beverages. Id.
11. Underage #2, actual date of birth 6/07/2003 (age 19), informed Investigators she had provided the driver with a fraudulent Illinois driver's license bearing her name and picture but a different birth date. She stated that she purchased one 12-pack of White Claw Hard Seltzer and a BuzzBallz through the Uber Eats application. (Testimony, Exhibits 6, 7, 8)
12. The driver stated that he worked for Uber Eats but when asked to produce his transportation permit, he stated he did not have one and did not know where he could obtain one. (Testimony, Exhibit 6)
13. On Saturday, October 29, 2022, at approximately 6:50 p.m., Investigators Teehan and Gould ("Investigators") conducted surveillance of Wild Duck Inc. d/b/a The Wild Duck located at 86 Massachusetts Avenue in Boston. (Testimony, Exhibit 10)
14. Investigators observed a gray Honda SUV pull in front of The Wild Duck and saw the driver, a male individual, enter the licensed premises. Moments later, the male exited in possession of a green bag containing what appeared to be alcoholic beverages. Id.
15. Investigators followed this vehicle to 744 Columbus Avenue. They observed a youthful appearing female individual exit the building and flag down the vehicle. The female showed an identification to the driver who appeared to scan it. Investigators observed the driver deliver the green bag to the female individual. Id.
16. Investigators approached the driver and female, identified themselves and requested the female produce proof of legal age to purchase and/or possess alcoholic beverages. Id.
17. Underage #3, actual date of birth 6/27/2003 (age 20), was in possession of one bottle of Tito's vodka. She provided Investigators with a fraudulent Connecticut driver's license bearing her name but a different birth date. She stated that she purchased the alcoholic beverages through the Uber Eats application. (Testimony, Exhibits 10, 11, 12)

18. Investigators spoke to the driver who stated he works for Uber Eats and he picked up the alcoholic beverage order at The Wild Duck. Investigators asked the driver for the transportation permit. The driver stated he did not have one and had no knowledge of being issued a permit. (Testimony, Exhibit 10)
19. On Thursday, February 16, 2023, Investigators Smith and Gardner (“Investigators”) conducted surveillance of Wild Duck Inc. d/b/a The Wild Duck located at 86 Massachusetts Avenue in Boston. (Testimony, Exhibit 14)
20. At approximately 8:45 p.m., Investigators observed a male individual driving a gray Toyota vehicle park in front of the Wild Duck. The driver entered the establishment and moments later exited in possession of a green bag containing what appeared to be alcoholic beverages. He put the bag in his vehicle. Id.
21. Investigators followed this vehicle to 140 Bay State Road. Investigators observed a youthful appearing female individual approach the vehicle. The driver delivered the green bag to the female individual. Id.
22. Investigators approached the driver and female, identified themselves and requested the female proof of legal age to purchase and/or possess alcoholic beverages. Id.
23. The female provided to Investigators a Maine driver’s license which indicated that she was of legal age to purchase and/or possess alcoholic beverages. Id.
24. Investigators spoke to the driver who stated he works for Uber Eats and has worked for them for about one year. Investigators asked the driver for his transportation permit. The driver showed Investigators the Uber delivery application on his mobile telephone but he was unable to provide them with a § 22 permit to transport alcoholic beverages. (Testimony, Exhibits 14, 15, 16)
25. The Licensee has taken steps to prevent future violations, including implementing: an education module specific to Massachusetts; enhanced identification checking and age verification policies; dry zones around certain areas, such as college campuses; and ongoing monitoring, such as their own “secret shoppers.” (Testimony, Exhibits A, B, C, D, E)

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm’n, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was “enacted ... to serve the public need and ... to protect the common good.” M.G.L. c. 138, § 23. “[T]he purpose of discipline is not retribution, but the protection of the public.” Arthurs v.

Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given “comprehensive powers of supervision over licensees.” Connolly, 334 Mass. at 617.

The law is well-settled that the responsibility of the licensee is to exercise sufficiently close supervision so that there is compliance with the law on the premises. A vendor who sells alcohol is “bound at his own peril to keep within the condition of his license.” Commonwealth v. Gould, 158 Mass. 499, 507 (1893); Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Comm’n, 7 Mass. App. Ct. 186, 190 (1979). It is, thus, quite possible for a licensee to offend the regulatory scheme without scienter. Rico’s of the Berkshires, Inc. v. Alcoholic Beverages Control Comm’n, 19 Mass. App. Ct. 1026, 1027 (1985).

Portier LLC is charged with a violation of M.G.L. c 138, § 34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. (3 counts). M.G.L. c. 138, § 34 states, in pertinent part, that: “[w]hoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under twenty-one years of age ... shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both.” M.G.L. c. 138, § 34.

The Licensee is also charged with a violation of M.G.L. c. 138, § 22 (4 counts) which states, in pertinent part, “[e]very person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof,...and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation and shall, in the discretion of the commission, be sufficient cause for the suspension, cancellation, revocation or forfeiture of such permit.” M.G.L. c. 138, § 22.

Evidence was presented through the testimony of Investigators as to their observations made on October 27, 2022, October 28, 2022, and October 29, 2022. Investigators observed the delivery of alcoholic beverages to people under the age of twenty-one, and found the deliveries were made in violation of M.G.L. c. 138 given that the delivery drivers were not in possession of a § 22 transportation permit. Investigators also testified as to observations made on February 26, 2023, wherein the delivery of alcoholic beverages was made in violation of M.G.L. c. 138 as the delivery driver was not in possession of a § 22 transportation permit. (Testimony, Exhibits 2, 5, 6, 9, 10, 13, 14, 17)

In addition, the Licensee stipulated to the facts as written in four investigative reports. (Exhibits 2, 5, 6, 9, 10, 13, 14, 17)

The Commission is persuaded by the evidence that Portier, LLC delivered alcoholic beverages to persons under twenty-one years of age and did so without carrying the requisite transportation permit or a certified copy thereof in the delivery vehicles on October 27, 2022, October 28, 2022, and October 29, 2022.

The Commission is persuaded by the evidence that on February 26, 2023, Portier, LLC delivered alcoholic beverages without carrying the requisite transportation permit or a certified copy thereof in the delivery vehicle.

CONCLUSION

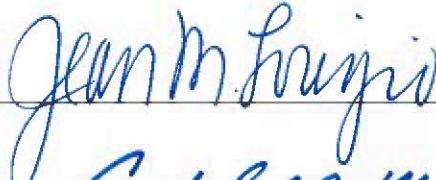
Based on the evidence, the Commission finds Portier LLC d/b/a Uber Eats violated:

- 1) M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. (3 Counts)
- 2) M.G.L. Ch. 138 § 22 Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof; and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation. (4 Counts)

As a result, the Commission **SUSPENDS THE LICENSE FOR A PERIOD OF FIVE (5) DAYS. NO OFFER IN COMPROMISE WILL BE CONSIDERED FOR THIS FIVE (5) DAY SUSPENSION.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: May 13, 2026

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto
immediatamente.

Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.

这份文件是重要的，应立即进行翻译。

यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए

Dokiman sa a enpòtan epi li ta dwe tradwi touswit

‘Đây là tài liệu quan trọng và cần được dịch ngay’

ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2022-000187-ad-enf (vd 10/27/22; 1 of 4) CT
2022-000188-ad-enf (vd 10/28/22; 2 of 4) MT
2022-000189-ad-enf (vd 10/29/22; 3 of 4) BG
2023-000012-ad-enf (vd 2/16/23; 4 of 4) RG only s22

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Robert Gardner, Investigator
Brian Gould, Investigator
Nicole Smith, Investigator
Michael Teehan, Investigator
Christopher Temple, Investigator
Nicole Terasconi, Investigator
J. Mark Dickison, Esq.
Joshua Segal, Esq.
Administration, File



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

May 13, 2026

**PORTIER, LLC
1515 THIRD STREET
SAN FRANCISCO, CA 94158
LICENSE#: XM-LIC-000577
VIOLATION DATES: 10/27/2022, 10/28/2022, 10/29/2022, 2/16/2023.
HEARD: 9/10/2024**

After a hearing on September 10, 2024, the Commission finds Portier LLC d/b/a Uber Eats violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (3 Counts).

- 1) M.G.L. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age which occurred on 10/27/22, 10/28/22, & 10/29/22.
- 2) M.G.L. Ch. 138 § 22 Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof; and shall, upon demand of any constable, policeman, member of the state police or any investigator of the commission produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation. (10/27/22, 10/28/22, 10/29/22 and 2/16/23)¹

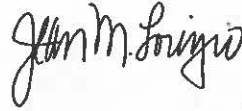
The Commission **suspends the license for a period of five (5) days to be served. NO OFFER IN COMPROMISE WILL BE CONSIDERED FOR THIS FIVE (5) DAY SUSPENSION.**

The suspension shall commence on Monday, July 13, 2026, and terminate on Friday, July 17, 2026. The license will be delivered to the ABCC or its designee on Monday, July 13, 2026, at 9:00 A.M. It will be returned to the licensee on July 18, 2026.

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.

¹ These matters were originally scheduled for separate hearings. The ABCC Enforcement Division filed a Motion to Consolidate to which Attorney Joshua Segal assented. The Commission allowed said motion.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Jean M. Lorizio
Chairman

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。
यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए
Dokiman sa a enpòtan epi li ta dwe tradwi touswit
‘Đây là tài liệu quan trọng và cần được dịch ngay’
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2022-000187-ad-enf (vd 10/27/22; 1 of 4) CT
2022-000188-ad-enf (vd 10/28/22; 2 of 4) MT
2022-000189-ad-enf (vd 10/29/22; 3 of 4) BG
2023-000012-ad-enf (vd 2/16/23; 4 of 4) RG only s22

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Robert Gardner, Investigator
Brian Gould, Investigator
Nicole Smith, Investigator
Michael Teehan, Investigator
Christopher Temple, Investigator
Nicole Terasconi, Investigator
J. Mark Dickison, Esq.
Joshua Segal, Esq.
Administration, File