

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

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

**DECISION**

**RIVER BAR LLC D/B/A RIVER BAR  
661 ASSEMBLY ROW  
SOMERVILLE, MA 02145  
LICENSE#: 00162-RS-1130  
VIOLATION DATE: 8/08/2019  
HEARD: 9/22/2021**

River Bar LLC d/b/a River Bar (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "ABCC" or Commission") held a remote hearing via Microsoft Teams on Wednesday, September 22, 2021, regarding an alleged violation of M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts in Investigator Bolcome's report.

The following documents are in evidence:

1. Investigator Bolcome's Report;
2. ABCC Form 43, New License Application Approval, 6/24/2014;
3. Receipt, 8/8/2019;
4. Licensee's Menu;
5. Licensee's Stipulation of Facts.

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

**FINDINGS OF FACT**

1. On Thursday, August 8, 2019, at approximately 11:25 p.m., Investigators Di Cicco and Bolcome ("Investigators") inspected the business operation of River Bar LLC d/b/a River Bar to determine the manner in which its business was being conducted.
2. Investigator Bolcome entered the licensed premises and moved to a location near the restaurant's outdoor bar where he observed a male individual who showed signs intoxication.
3. Investigator Bolcome observed the male patron was seated with a woman at a corner of the outside bar and both were in possession of alcoholic beverages. The Investigator observed both individuals exhibited signs of intoxication.

4. Investigator Bolcome observed the male's eyes were glassy, and he squinted and held his eyes closed for long periods of time. He was leaning with his elbows on the bar in order to support his own weight.
5. Investigator Bolcome observed the female's eyes were nearly closed and she was swaying while she conversed with the male. Investigator observed the male patron standing behind the female patron's chair as she sat at the bar with both their arms extended along one another. The male appeared to lean forward towards the female with his hand extended, stumbling forward and sideways and nearly falling.
6. Investigator Di Cicco entered the premises and joined Bolcome to continue observations.
7. Based on their observations, training and experience, Investigators determined the male and female patrons were intoxicated.
8. Investigators observed the signs of intoxication exhibited by the two appeared to become more exaggerated. The male had glassy eyes and was closing his eyes for extended periods of time. Investigators observed both patrons leaning upon each other for support and hanging their heads. They embraced each other in a sluggish and uncoordinated manner. This behavior occurred for approximately 10 minutes in direct sight of the bartender.
9. At approximately 11:45 p.m., Investigators observed the bartender serve the male and female patrons alcoholic beverages.
10. The outside bar is rectangular and appeared to be no more than 20 feet by 15 feet in length. The male patron and female patron were very close to the bartender while exhibiting signs of intoxication and had direct communication with him when they ordered their final drinks. The Investigators observed only two to four of the tables in the restaurant were occupied at the time of their visit.
11. Investigators contacted the manager on duty, Alexander Bolduc, and identified the male and female patrons to him. Mr. Bolduc did not disagree that the two patrons were intoxicated. Investigators informed Bolduc of the violation and that a report would be submitted to the Chief Investigator for further review.
12. Investigators also spoke to the bartender on duty and identified the intoxicated patrons. He agreed the two individuals appeared to be intoxicated and was apologetic for serving them additional alcoholic beverages. The bartender immediately took the drinks away from the patrons and they began to exit the premises.
13. Investigators spoke to the patrons on their way out of the establishment. The couple told Investigators that they were not driving. Investigators observed the couple getting into someone else's vehicle.
14. Mr. Matthew Sullivan, Licensee, appeared at the Commission hearing and testified he purchased the River Bar, LLC in the Spring of 2021. He stated he is Tips trained and his staff completed a training offered by the City of Somerville regarding underage patrons. Mr. Sullivan testified when he took over, he hired a chef, and the establishment is now more food focused than it had been previously.

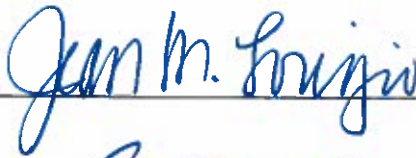
15. The Licensee has held a license under M.G.L. c. 138, § 12 since 2014 with no previous violations.

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: M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (2 counts). Therefore, the Commission **suspends the license for a period of 4 days, which are hereby deemed served.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: November 12, 2021

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  
Kyle E. Gill, Esq., Associate General Counsel  
David Bolcome, Investigator  
Joseph Di Cicco, Investigator  
Administration, File