

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

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

*Kim J. Gainsboro, Esq.*  
*Chairman*

**MEMORANDUM AND ORDER**  
**ON LICENSEE'S REQUEST FOR RECONSIDERATION**

**GLORY RBG, LLC D/B/A JULEP BAR / BLUE**  
**200 HIGH STREET**  
**BOSTON, MA 02110**  
**LICENSE#: 011601490**  
**VIOLATION DATE: 04/04/2015**  
**HEARD: 06/09/2015 and 07/07/2015**

Glory RBG, LLC d/b/a Julep Bar/Blue (the "Licensee" or "Julep") holds an alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "ABCC" or the "Commission") held a hearing on Tuesday, July 7, 2015, regarding the Licensee's request for reconsideration of an indefinite suspension imposed on June 24, 2015.

The Licensee has a history of prior violations at the Local Board and the Commission. In May of 2015, the Licensee was found in violation and suspended by the Boston Licensing Board for minors in possession of alcoholic beverages (2 counts), blocked emergency egress aisles throughout the premises, service of alcoholic beverages to minors, and service of alcoholic beverages to an intoxicated minor patron. These violations occurred on November 8, 2014.

In March of 2015, the Commission found that the Licensee committed similar violations involving nine counts of minors in possession of alcoholic beverages which occurred on December 5, 2014. The Commission suspended Julep's license for thirty-five days of which fifteen days would be served, and twenty days would be held in abeyance for a period of two years, provided no further violations of Chapter 138 or Commission Regulations occur.

Again on April 4, 2015, Julep committed violations involving fourteen minors in possession of alcoholic beverages, resulting in the Licensee having committed violations involving twenty-five minors in possession of alcoholic beverages within the last six months. The Licensee was also found to be severely overcrowded by at least 160 people, and possibly as many as 260 people.

In its June 24, 2015 decision, the Commission indefinitely suspended the license and held that it would not issue any further order without a written request for a hearing from the Licensee to show that good cause exists to reconsider the indefinite suspension. Further, the Commission ordered that all parties named on the license as having a direct or indirect beneficial interest in the license, including the security specialists who oversee operations and the identification process attend the hearing.

By letter dated June 25, 2015, counsel for the Licensee requested a hearing to reconsider the indefinite suspension. No reasons were given in the letter as to why the indefinite suspension should be lifted.

The Commission held a hearing on July 7, 2015 on the Motion For Reconsideration which was attended by all persons with an ownership interest in the license, the license manager, the Licensee's security specialists, and Licensee's counsel. Two witnesses for the Licensee testified as to Licensee's security

measures, and the Licensee through counsel argued that the Commission should reconsider the indefinite suspension.

The Licensee has not persuaded the Commission that good cause exists to reverse the indefinite suspension. Although the Licensee suggested that changes to security would be made if/when the suspension is reversed, the Licensee's statements ring hollow to the Commission. On March 3, 2015, the Licensee advised the Commission that it would no longer accept foreign identifications. Just one month later, on April 4, 2015, the Licensee again violated Massachusetts General Laws c. 138, §34C, by allowing onto the premises at least fourteen under-aged individuals, almost all of whom presented valid or fake foreign identification.

The Licensee submitted a counting device will be used so as to prevent overcrowding and that two scanners would be used to prevent fake identifications. However, the Licensee has not presented detailed information about the particular scanner(s) to be used, and the Commission is not convinced that the scanners will be used or used properly. Likewise, the Commission is not convinced that the instrument for counting the number of people admitted to the premises will be used or used properly.

At the June 9, 2015, hearing, the license manager, Mr. Zachary Barnett suggested to the Commission that the counting device likely was used on April 4, 2015 (when the premises were overcrowded by at least 160 people, and possibly as many as 260 people) but likely was put away after the premises reached the first floor legal capacity of 280 persons. License Manager Barnett testified that he was not certain, and was surmising, that this is what happened regarding the counting device and the reason for the overcrowding. This does not engender confidence in the Commission that the Licensee is concerned about public safety. The fact that the employees put away the counting device when the premises reached capacity is outrageous.

While the Licensee urges that the addition of new security staff/consultants, including Mr. Cronin and Mr. French, will help to improve the Licensee's security practices, the Commission is incredulous that positive changes will take place under the current management. Mr. Cronin and Mr. French were present and working at the premises when this violation occurred. According to Mr. Barnett, Mr. Cronin and Mr. French were responsible for overseeing the front door operations on April 4, 2015. Mr. Cronin testified at the July 7, 2015 hearing that he was working inside the premises to ensure no over-service at the time of the April 4, 2015 incident. The Licensee did not present any substantive or reliable evidence as to how the new security staff/consultants will ensure its compliance with Chapter 138 and Commission regulations.

The Licensee must present evidence that it will overhaul its security practices. In particular, the Commission orders the Licensee to appoint a new license manager and file an application with the Local Board and the Commission, along with a corporate vote, to approve the change. Additionally, the Licensee is required to provide to the Commission written evidence of its security overhaul, which must include, but not be limited to, the following:

- a) The name of the new license manager, who must be approved in the ordinary review process;
- b) New and additional management/staff, including their specific roles and responsibilities;
- c) Detailed information about the revised business and operation plans;
- d) Detailed security plan, including number of people checking identification at the door; the method of checking identification at the door; whether identification is again checked by bartenders; policies for checking identification; policies for using the counting device; hiring a minimum of one Boston Police officer to work a detail inside the premises any time Julep Bar is open; and any other tools to ensure compliance with state law and the Commission's and local regulations;
- e) Detailed information about the security staff—number of staff, names of staff, years of relevant experience, how long he/she has worked for the Licensee, trainings (such as TIPS, ServSafe, and any others) attended by each employee, the scheduled hours each such employee works;
- f) Details as to re-training all employees who work at Julep Bar with regard to security measures;
- g) Specific information about the scanners to be used at the door, including the number and type of scanners, number of persons who will be using them at any given time, and names and background of persons who will be using them; and
- h) A plan for monthly reporting to the Commission about Julep Bar's security measures, which could include information such as print-out reports from the scanners and updates as to who will be working the doors, any new security staff, additional trainings, scheduled police details, number of patrons on a particular night, etcetera, signed under pains and penalties of perjury by the license manager that operations are being run in accordance with Chapter 138 and all other applicable laws and regulations.

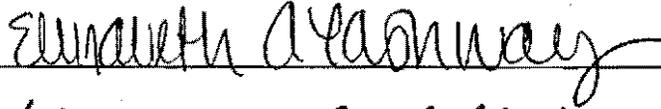
#### CONCLUSION

Based on the evidence, the Commission **DENIES** Licensee's Motion for Reconsideration and **CONTINUES** the **INDEFINITE SUSPENSION** of Glory RBG, LLC d/b/a Julep Bar/Blue until further written order of the Commission.

The Commission will not issue any further order without another written request from the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that a new license manager and new management attend. The Commission requires that before the next hearing the Licensee present to the Commission written evidence of Licensee's security overhaul that will be immediately implemented if/when the Commission reverses the indefinite suspension including the name of a new license manager approved in the ordinary review process. The Commission refers the Licensee to the previous paragraphs for guidance.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: July 15, 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  
Christopher Temple, Investigator  
Caroline Wilichoski, Investigator  
Philip A. Tracy Jr., Esq. via facsimile 617-523-2346  
Administration  
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