



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**STACKER'S PUB INC. D/B/A STACKER'S
57 NORTH PLEASANT ST.
AMHERST, MA 01002
LICENSE#: 00021-RS-0024
VIOLATION DATE: 12/06/2019
HEARD: 9/14/2021**

Stacker's Pub Inc. d/b/a Stacker's (the "Licensee" or "Stacker's") 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 Tuesday, September 14, 2021, regarding alleged violation of 204 CMR 2.05 (2), to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. ABCC Form 43 New License Approval, 10/30/2008;
3. ABCC Form 43 and Alteration of Premises Application, approved 9/30/2009;
4. ABCC Decision, 7/15/2011;
5. Photos of the Interior of Licensed Premises;
6. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, December 6, 2019, at approximately 11:45 p.m., Investigators Keefe and Di Cicco ("Investigators") conducted an inspection of the business operation of Stacker's Pub Inc. d/b/a Stacker's to determine the manner in which its business was being conducted.
2. Prior to entering the licensed premises, Investigators observed a line of individuals waiting to gain entry. When Investigators made their way to the front of the line, they observed a high volume of individuals inside the premises.

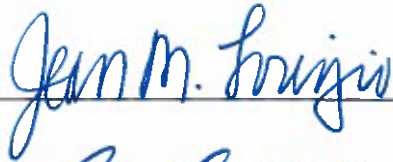
3. Investigators identified themselves to staff and inquired as to the allowed occupancy load for the premises. Staff members were unable to provide Investigators with this information.
4. Investigators observed one staff member at the door with a tally counter. The counter indicated there were 239 individuals inside the premises.
5. Investigators entered the licensed premises and continued to make observations. Investigators had a difficult time walking around due to the large number of individuals inside the premises. A staff member assisted Investigators in making their way to the back of the restaurant in order to contact the person in charge.
6. Investigators spoke with Marc Pedraza who identified himself as the manager on duty. Mr. Pedraza informed Investigators the occupancy load was 99 but explained the Licensee was in the process of increasing it. He acknowledged the number of patrons inside the premises was high and told Investigators he would remedy the situation.
7. Investigators informed Mr. Pedraza of the violation and that a report would be filed with the Chief Investigator for review.
8. Brian Stahl, Manager of Record, appeared at the Commission hearing and testified he was not working on the night of the Investigators' visit but acknowledged the staff became overwhelmed and the number of people on premises got away from them. He stated that the issue has been addressed with all employees.
9. Mr. Stahl asked the Commission to consider the fact that the licensed premises had been closed for over 500 days due to the COVID-19 pandemic.
10. The Licensee has held a license under M.G.L. c. 138, § 12 since 2008 with one prior violation.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2), to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited. Therefore, the Commission **suspends the license for a period of five (5) days which are hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: September 15, 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
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Administration, File