

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

Jean M. Lorizio, Esq.
Chairman

DECISION

**HARD ROCK CAFÉ INTERNATIONAL STP., INC. D/B/A HARD ROCK CAFÉ
20 CLINTON STREET
BOSTON, MA 02019
LICENSE#: 00214-RS-0116
VIOLATION DATE: 12/31/2019
HEARD: 9/15/2021**

Hard Rock Café International STP., Inc. d/b/a Hard Rock Café (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a remote hearing via Microsoft Teams on Wednesday, September 15, 2021, regarding alleged violation of 204 CMR 2.05 (2), to wit: 527 CMR 1.05 § 20.1.5.6.4 Failure to complete the Fire & Building Safety Checklist, as prescribed by the State Fire Marshal, on each day of operation prior to opening the facility to patrons. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report;
2. ABCC Form 43 Transfer Application Approval, 7/6/1999;
3. Boston Inspectional Services Department Certificate of Inspection, 8/23/2018-6/30/2019;
4. Boston Inspectional Services Department Certificate of Inspection, 7/23/2020-6/30/2021;
5. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Tuesday, December 31, 2019, at approximately 11:05 p.m., Investigators Gardner, Quinn, Temple and Keefe, along with Chief Investigator Mahony ("Investigators") conducted an inspection of Hard Rock Café International STP., Inc. d/b/a Hard Rock Café to determine the manner in which its business was being conducted.
2. Upon entering the premises, Investigators identified themselves to the manager on duty, Waddy Lafleur, and asked to see the Fire & Building Safety Checklist. Mr. Lafleur stated to Investigators he was not aware of the fire safety checklist. Investigators informed

Lafleur of the regulation regarding fire safety. Mr. Lafleur stated that he would review the information and comply going forward.

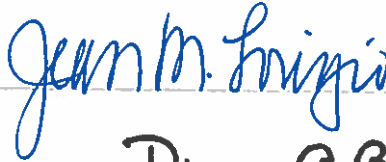
3. Investigators informed Mr. Lafleur of the violation and that a report would be filed with the Chief Investigator for review.
4. Mr. Lafleur appeared at the Commission hearing and testified as to the Licensee's efforts to ensure safety within the establishment and assured the Commission the Fire & Building Safety Checklist is completed each day.
5. The Licensee has held a license under M.G.L. c. 138, § 12 since 1999 with no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2), to wit: 527 CMR 1.05 § 20.1.5.6.4 Failure to Complete the Fire & Building Safety Checklist, as prescribed by the State Fire Marshal, on each day of operation prior to opening the facility to patrons Fire & Building Safety Checklist. The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorzio, Chairman



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
Kyle E. Gill, Esq., Associate General Counsel
Dennis Keefe, Investigator
Christopher Temple, Investigator
Scott C. Holmes, Esq.
Administration, File