



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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

ONE HUNDRED AND SEVENTY-THREE MILK STREET, INC. DBA COOGAN'S BLUFF
171-173 MILK STREET
BOSTON, MA 02114
LICENSE#: 011600551
VIOLATION DATE: 01/17/2014
HEARD: 05/06/2014

One Hundred and Seventy-Three Milk Street, Inc. dba Coogan's Bluff (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 6, 2014, regarding an alleged violation of violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 10.13 (2) (E) Failure to Complete the Fire and Building Safety Checklist as prescribed by the Marshall, on each day of operation prior to opening the facility to patrons. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Temple's Violation Report dated January 17, 2014.

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

FACTS

1. On Friday, January 17, 2014, at approximately 10:50 p. m., Chief Investigator Mahony with Investigators Keefe and Temple conducted an investigation of the business operation of One Hundred and Seventy-Three Milk Street, Inc. dba Coogan's Bluff to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and identified themselves to the manager on duty, Brendan Glynn.
3. Investigators asked Mr. Glynn if he or his staff filled out the Fire and Building Safety Checklist. Mr. Glynn stated that they do.
4. Investigators asked to see the Checklist, and were directed to the kitchen.
5. Investigators located the Checklist and observed that it had not been filled out since October.
6. Investigators asked Mr. Glynn if the other months had been completed. He replied that another individual does this.
7. Mr. Glynn questioned the other staff and no one knew where the other Checklists were.

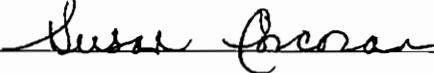
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8. Mr. Glynn stated that all the Checklists should be in the binder, and he did not know why it was not there.
9. Investigators advised Mr. Glynn of the violation and that a report would be submitted to the Chief Investigator for review.
10. Investigators exited the licensed premises to conduct an investigation of another premises next door.
11. At approximately 11:00 p.m. while investigators were outside the second premises, the manager of One Hundred and Seventy-Three Milk Street, Inc. dba Coogan's Bluff approached them. He stated that he found today's Fire and Building Safety Checklist on the bar, but that he could not find anything else between October [2013] and today.

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: 527 CMR 10.13 (2) (E) Failure to Complete the Fire & Building Safety Checklist as prescribed by the Marshall, on each day of operation prior to opening the facility to patrons. Therefore, the Commission **suspends the license for two (2) days of which two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner 

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner 

Dated: May 6, 2014

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
Dennis Keefe, Investigator
Administration
File