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*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*

NOTICE OF SUSPENSION

September 9, 2015

**BRICK'S, INC. DBA COCO'S LOUNGE**  
**151-153 ESSEX STREET**  
**LAWRENCE, MA 01840**  
**LICENSE#: 059400239**  
**VIOLATION DATE: 05/02/2015**  
**HEARD: 09/01/2015**

After a hearing on September 1, 2015, the Commission finds Brick's Inc., dba Coco's Lounge 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.

The Commission **suspends the Licensee's license for a total of three (3) days to be served with the balance of two (2) days suspended. The suspension shall commence on Wednesday, October 21, 2015, and terminate on Friday, October 23, 2015.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 21, 2015 at 9:00 A.M. It will be returned to the Licensee Saturday, October 24, 2015.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

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Este documento é importante e deve ser traduzido imediatamente.  
Ce document est important et devrait être traduit immédiatement.  
Questo documento è importante e dovrebbe essere tradotto immediatamente.  
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.  
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
Caroline Guarino, Investigator  
Brad Doyle, Investigator  
Administration, File



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**DECISION**

**BRICK'S, INC. DBA COCO'S LOUNGE**  
**151-153 ESSEX STREET**  
**LAWRENCE, MA 01840**  
**LICENSE#: 059400239**  
**VIOLATION DATE: 05/02/2015**  
**HEARD: 09/01/2015**

Brick's Inc., dba Coco's Lounge (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, September 1, 2015, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 10.13 (2) (e)<sup>1</sup> 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 Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Violation Report dated May 2, 2015; and
2. Licensee's Stipulation of Facts.

A. Crowd Manager Training Certificates and Photocopies of Fire Safety Checklists.

<sup>1</sup> 527 CMR 10.13(2)(e) was repealed on January 1, 2015, and the National Fire Protection Association's NFPA-1 (2012 ed.) was adopted in its place. Section 20.1.5.6.4 of the NFPA-1, under 527 CMR 1.05, is verbatim the same as the former 527 CMR 10.13(2)(e). The Commission concludes that the Licensee's due process rights were not violated by the wrong citation on the hearing notice. The violation remained unchanged, and the Licensee had notice of the substance and nature of the violation. "[D]ue process only requires that a notice provide enough information to 'understand the substance and nature of the grounds upon which they are called to answer.'" Elander & Son, Inc. v. Luther, 74 Mass. App. Ct. 1114, \*4 (2009) (issued pursuant to Rule 1:28) (quoting Langlitz v. Bd. of Registration in Chiropractors, 396 Mass. 374, 277 (1985)). "Mere defects in matters of form will not invalidate a notice if enough remains for the person whose rights may be affected reasonably to understand the substance and the nature of the ground upon which he is called upon to answer." Higgins v. License Commissioners of Quincy, 308 Mass. 142, 146 (1941).

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

The Commission took Administrative Notice of the Licensee's file.

### FACTS

1. On Saturday, May 2, 2014 at approximately 11:25 p.m., Chief Investigator Mahony, along with Investigators Teehan, Doyle, Guarino, ("Investigators"), and members of the Lawrence Police Department entered Brick's Inc., dba Coco's Lounge at 151-153 Essex Street in Lawrence to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and identified themselves as Investigators with the ABCC to a manager, Pedro Tejada.
3. Investigators asked Mr. Tejada if he or his staff had filled out the Fire and Building Safety Checklist.
4. Mr. Tejada stated that they had not completed the checklist at all for the year 2015.<sup>2</sup>
5. Investigators informed Mr. Tejada that a violation report would be filed with the Chief Investigator for further action.

### CONCLUSION

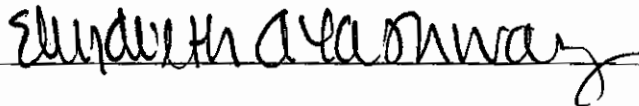
Based on the evidence, including the Licensee's stipulation to the facts and violation, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 1.05—NFPA-1 § 20.1.5.6.4,<sup>3</sup> Fire and Building Safety Checklist. Therefore, the Commission **suspends the License for five (5) days of which three (3) days will be served and 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**

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: September 9, 2015

<sup>2</sup> Licensee submitted photocopies of checklists after the hearing but admitted that Licensee did not have the checklists during the inspection.

<sup>3</sup> See supra note 1.

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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