



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

DECISION

EL CESAR'S RESTAURANT INC. DBA EL CESAR'S RESTAURANT
380 COMMON STREET
LAWRENCE, MA 01840
LICENSE#: 059400201
VIOLATION DATE: 05/02/2015
HEARD: 07/28/2015

El Cesar's Restaurant Inc. dba El Cesar's Restaurant (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, July 28, 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) - 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. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report dated May 2, 2015; and
 2. Licensee's Stipulation of Facts.
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- A. Crowd Manager Training Certificate Ronald Castro; and
 - B. Crowd Manager Training Certificate for Cesar Vargas.

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, 2015, at approximately 11:40 p.m., Investigators Bailey, Kujawski, and Keefe ("Investigators") conducted an investigation of the business operation of El Cesar's Restaurant Inc. dba El Cesar's Restaurant to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and identified themselves to the owner, Cesar Vargas.
3. Investigators asked Mr. Vargas if he had completed the Fire and Building Safety Checklist.
4. Mr. Vargas stated that he had not filled out the checklist, and he had not done so in quite some time.

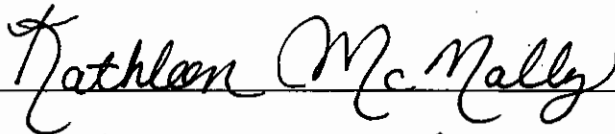
5. Investigators informed Mr. Vargas of the violation and that a report would be filed with the Chief Investigator for further action.
6. Mr. Vargas and his daughter, Heidi Vargas, represented to the Commission that in 2015 the Licensee increased its capacity to 207 persons, and that prior to then, the Licensee was not required to complete the Fire & Building Safety Checklist.

CONCLUSION

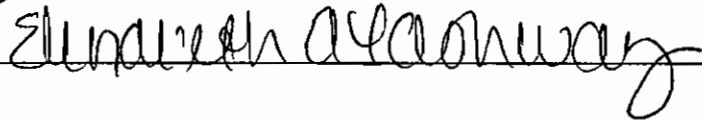
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) - Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 10.13 (2) (e) - Failure to complete the Fire & Building Safety Checklist as prescribed by the Marshall, on each day of operation prior to opening the 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

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: July 29, 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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Rose Bailey, Investigator
Administration
File