



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

KST CORPORATION INC. DBA BILL ASH'S LOUNGE
78 REVERE BEACH BLVD.
REVERE, MA 02151
LICENSE#: 102200006
VIOLATION DATE: 10/17/2014
HEARD: 12/16/2014

KST Corporation Inc. dba Bill Ash's Lounge (the "Licensee") holds an alcohol beverage license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 16, 2014, regarding the alleged violation of:

- 1) 204 CMR 2.05 (2) - Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 10.13 (2) (d) - Failure of the owner or operator of nightclub, dance hall, discotheque, or bar, with an occupant load of 100 persons or more shall designate one Crowd Manager for every 250 occupants, or portion thereof based upon the Certificate of Inspection under 780 CMR; and
- 2) 204 CMR 2.05 (2), 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 Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report dated October 17, 2014; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Friday, October 17, 2014, at approximately 10:55 p.m., Investigators Kenny and Teehan investigated the business operation of KST Corporation Inc. dba Bill Ash's Lounge to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and identified themselves to the bartender on duty.
3. Investigators asked the bartender what the capacity of the bar was, and he stated it was about 125 persons.
4. Investigators then inquired if the bartender or the staff had completed the Fire and Building Safety Checklist. The bartender replied that he was unaware of any checklist and he had never completed one.

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5. Investigators then asked the bartender to show them the crowd manager certificate which designates a crowd manager. The bartender was unable to provide such a certificate to investigators.
6. Investigators informed the bartender of the violations and that a report would be filed with the Chief Investigator for further action.
7. Administrative review of the file indicates the Licensee has had no violations in over ten (10) years.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.05 (2) - Permitting an Illegality on the Licensed Premises, to wit: 527 CMR 10.13 (2) (d) - Failure of the owner or operator of nightclub, dance hall, discotheque, or bar, with an occupant load of 100 persons or more shall designate one Crowd Manager for every 250 occupants, or portion thereof based upon the Certificate of Inspection under 780 CMR; and
- 2) 204 CMR 2.05 (2), 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 three (3) days of which three (3) 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

Kim S. Gainsboro, Chairman

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

Kathleen McNally, Commissioner

Dated: December 17, 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
Michael Teehan, Investigator
Mark Kenny, Investigator
Administration
File