



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**BEER GARDEN MA LLC
64-66 FRANKLIN ST.
WORCESTER, MA 01608
LICENSE#: 03878-RS-1508
VIOLATION DATE: 10/17/2019
HEARD: 3/03/2019**

Beer Garden MA LLC (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, March 3, 2020, 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. Licensee's Stipulation of Facts;
 3. Copy of New Application Approval, 2/12/2018;
 4. Copy of Change of Corporate Name Approval, 10/10/2019.
- A. Licensee's Crowd Manager, Fire & Building Safety Checklists from 10/18/2019 to 2/29/2020.

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

FINDINGS OF FACT

1. On Thursday, October 17, 2019, at approximately 11:59 p.m., Investigators Gould and Keefe ("Investigators"), along with Officer Patrick Harrington of the Worcester Police Department Liquor Enforcement Unit, and members of the Worcester Fire Department ("Officers") conducted an investigation of the business operation of Beer Garden MA LLC to determine the manner in which its business was being conducted.
2. Upon entering the premises, Investigators identified themselves to staff and asked to see the Fire & Building Safety Checklist. The staff produced a folder which contained a blank checklist for the day, indicating that it had not been completed.

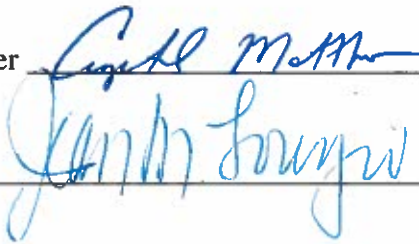
3. Investigators asked to speak with the manager on duty, Victoria Stuller. Investigators informed Ms. Stuller of the violation and that a report would be filed with the Chief Investigator for review.
4. Vincent Metzler, General Manager for the Licensee, appeared at the Commission hearing and provided to the Commission copies of completed Fire & Building Safety Checklists from the date after the incident, October 18, 2019 to February 29, 2020 to demonstrate their compliance.
5. The Licensee has held a license under M.G.L. c. 138, § 12 since 2018 with no prior violations.

CONCLUSION

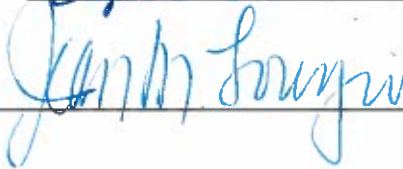
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2), to wit: 527 CMR 1.05 § 20.1.5.6.4 Failure to Complete the Fire & Building Safety Checklist, as prescribed by the State Fire Marshal, on each day of operation prior to opening the facility to patrons Fire & Building Safety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

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Dated: March 13, 2020

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
Dennis Keefe, Investigator
Brian Gould, Investigator
Officer Patrick Harrington, Worcester Police Department
Ryan Gazda, Esq.
Administration, File