

CITY OF SPRINGFIELD

In re: Buddy's Pub, LLC)	
d/b/a Show Bar)	
Hearing on Violation of)	<u>Findings and Decision</u>
Entertainment License)	
)	

**HEARING UNDER THE CITY OF SPRINGFIELD'S RULES AND
REGULATIONS
PURSUANT TO M.G.L. C.140, §181 AND §183A**

Background

On or about January 1, 2016, Buddy's Pub, LLC doing business as Show Bar ("Show Bar"), was granted a 2016 Entertainment License "License". The license was granted and accepted, and the entertainment approved, upon the understanding that such entertainment would commence during normal operating hours, and the licensee comply with the laws of the Commonwealth applicable to licensed entertainments, and subject to the Rules and Regulations as promulgated by the License granting authority.

Procedural History

On May 27, 2016, Show Bar was requested, via first class mail, to appear for a hearing to review any and all evidence relative to an alleged incident occurring on the licensed premises on March 18, 2016. At the request of both parties, the matter was continued from June 8, 2016 to June 28, 2016. On June 28, 2016 at approximately 4:10 p.m., Attorney Daniel Kelly appeared on behalf of Show Bar. Attorney Stephen M. Reilly, Jr. appeared on behalf of the City. Attorney Alesia H. Days, Director of Licensing, appeared as Hearing Officer on behalf of Mayor Domenic J. Sarno. The following violations/charges were reviewed at the hearing:

Violation of 204CMR 2.05(2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premise. The licensee shall be responsible whether present or not.

COUNT 1: To wit; Manager of record not on scene;

COUNT 2: To wit; Employee on scene in intoxicating state;

COUNT 3: To wit; Impermissible use of basement (per liquor license for storage only);

COUNT 4: To wit; Failure to call police in a timely manner;

COUNT 5: To wit; Violation of Security Plan (failure to comply with use of metal detector/wand);
and

COUNT 6: To wit; Violation of Security Plan (failure to have three security personnel on duty)

The Following Exhibits were offered at the hearing:

A. Notice of Hearing (Dated: May 27, 2016)

B. Police Reports (Dated: March 18, 2016 and March 31, 2016)

Findings of Fact

Attorney Daniel Kelly, on behalf of Show Bar, stipulated to the facts contained in the police reports. Those reports are attached to this Decision as Exhibit B.

Conclusion of Law

Pursuant to City of Springfield Rules and Regulations for Entertainment Licenses Issued Pursuant to M.G.L. 140 Secs 181 and 183A, §E 1 and 2, the Entertainment license granting authority when determining whether or not a violation has occurred shall consider the following:

- a. The type of entertainment to be offered;
- b. The number of persons expected to attend;
- c. The conditions and setup of the premises;
- d. Security measures to be taken in order to prevent danger to the public safety, health or order; and
- e. Whether the special event, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance,

exhibition, cabaret, or public show cannot be conducted in a manner so as to: 1) prevent a public nuisance; and/or 2) (a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, or from health, safety or fire hazards; (b) prevent an unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises; or (c) prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises or an unreasonable increase in the number of vehicles to be parked in the area of the premises.

204 CMR 2.05(2)

(2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premise. The licensee shall be responsible whether present or not.

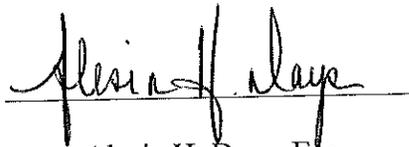
Decision

After due consideration of the Exhibits stipulated to at hearing, the following shall constitute the findings and decision in this matter.

Show Bar violated its Entertainment License by permitting illegalities to occur on the licensed premises, as evidenced by the Springfield Police Reports, and stipulated to by Attorney Daniel Kelly. The information contained within the police reports are conclusive evidence that all violations alleged in all Counts constitute violations of Show Bar's Entertainment License.

Date: _____

6/29/16



Alesia H. Days, Esq.
Hearing Officer

Sanction

Based on the above findings of fact and applicable law, the Entertainment license shall be suspended for 60 days, with 15 days to be served and the balance held in abeyance for 1 year. Additionally, Show Bar shall submit an application for approval for a new manager of record and Security Plan to the License Commission prior to reopening on July 16, 2016. Upon reopening, Show Bar's hours of operation shall be reduced to a closing time of 1:00 a.m. for a period of 30 days.

June 29, 2016
Date

Domenic J. Sarno
Domenic J. Sarno, Mayor