



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

Jean M. Lorizio, Esq.
Chairman

**MEMORANDUM AND ORDER ON LICENSEE'S
REQUEST FOR RECONSIDERATION**

**D. MARMELO ENTERPRISES INC. D/B/A CAPTAIN'S PLACE
162 SOUTH MAIN STREET
ACUSHNET, MA 02743
LICENSE#: 00024-RS-0008**

D. Marmelo Enterprises Inc. d/b/a Captain's Place (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "ABCC" or "Commission") held a hearing on Tuesday, December 8, 2020 regarding alleged violations of:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 37 (June 6, 2020) - Violation of sector specific workplace safety standards for restaurants to address COVID-19;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 40 (June 19, 2020) - Violation of sector specific workplace safety standards for restaurants to address COVID-19;
- 3) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 52 (September 29, 2020).

By decision dated January 27, 2021 the Commission found the Licensee in violation of the charges and indefinitely suspended the License effective forthwith until further written order from this Commission.

The Commission stated that it would consider issuing a further order upon written request of the Licensee showing good cause to reconsider this indefinite suspension. Good cause for the Commission would include, but not be limited to, the Licensee's receiving approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan.

On January 29, 2021, the Licensee submitted a written request to reconsider the indefinite suspension. On February 2, 2021, the Commission received the notice of approval from Massachusetts Department of Labor Standards ("DLS").

CONCLUSION

Based on the evidence presented, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of D. Marmelo Enterprises Inc. d/b/a Captain's Place effective forthwith.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner Deborah A. Baglio

Jean M. Lorizio, Chairman Cyril Matthews

Crystal Matthews, Commissioner Jean M. Lorizio

Dated: February 2, 2021

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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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
Kyle E. Gill, Esq., Associate General Counsel
Katelyn Quinn, Investigator
Nicholas Velez, Investigator
Michael Flanagan, Dept. of Labor Standards
Nicholas A. Gomes, Esq.
Administration, File

Law Office of Nicholas A. Gomes, P.C.

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January 28, 2021

Sent via Email

phathaway@tre.state.ma.us

Patricia Hathaway

Alcoholic Beverages Control Commission

95 Fourth Street, Suite 3

Chelsea, MA 02150

Re: Request for Reinstatement of License # 00024-RS-0008

D. Marmelo Enterprises Inc., d/b/a Captain's Place

Dear Members of the Alcoholic Beverages Control Commission:

Please be advised this office represents the above referenced licensee. On behalf of my client please find this as a request to reconsider the indefinite suspension and reinstate their license. Enclosed please find their Covid-19 Control Plan.

Thank you for your time, consideration, and assistance on this matter.

Sincerely,

/s/Nicholas A. Gomes

Nicholas A. Gomes, Esq.



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ROSALIN ACOSTA
SECRETARY

MICHAEL FLANAGAN
DIRECTOR

February 2, 2021
Alcohol and Beverage Control Commission
95 Fourth Street
Chelsea, MA 02150-2358
phathaway@tre.state.ma.us

RE: ABCC License # 00024-RS-0008
D.Marmelo Enterprises, Inc dba Captain's Place
162 South Main Street
Acushnet, MA 02743
21C-5509

The Department of Labor Standards has reviewed the written COVID-19 Control Plan from the **D.Marmelo Enterprises, Inc dba Captain's Place at 162 South Main Street in Acushnet, MA** and verified plan implementation through photos provided by the owner.

The Department of Labor Standards has determined the business' COVID-19 Control Plan to be satisfactory according to COVID-19 Orders No. 33, 37, 40 53, 54 or 55.

Sincerely,

Mary Dozois

Mary Dozois CIH CSP
Supervisor, Workplace Safety & Health Program
MA Department of Labor Standards
72 School Street, Taunton, MA 02780
617-626-5987 and mary.dozois@mass.gov