

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

**Jean M. Lorizio, Esq.**  
*Chairman*

**NOTICE OF INDEFINITE SUSPENSION**

March 25, 2021

**DEPINA'S PLACE INC. D/B/A PLEASANT STREET BAR & GRILL  
50 PLEASANT STREET  
ATTLEBOROUGH, MA 02703  
LICENSE#: 00024-RS-0050  
VIOLATION DATE: 1/21/2021  
HEARD: 3/09/2021**

After a hearing on March 9, 2021, the Commission finds Depina's Place Inc. d/b/a Pleasant Street Bar & Grill violated:

- 1) 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: Mass. Exec. COVID- 19 Order No. 55 (Nov. 2, 2020) – Patron or employee failing to wear a mask or cloth face covering over their mouth and nose when in a public location;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 57 (Dec. 8, 2020).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Depina's Place Inc. d/b/a Pleasant Street Bar & Grill **effective forthwith** until further written order of the Commission.

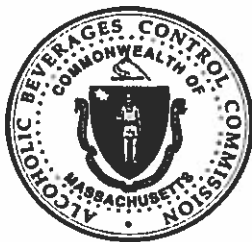
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio  
Chairman

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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  
Michael Teehan, Investigator  
Mark Kenny, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Administration, File



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*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3*  
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*Chairman*

**DECISION**

**DEPINA'S PLACE INC. D/B/A PLEASANT STREET BAR & GRILL**  
**50 PLEASANT STREET**  
**ATTLEBOROUGH, MA 02703**  
**LICENSE#: 00024-RS-0050**  
**VIOLATION DATE: 1/21/2021**  
**HEARD: 3/09/2021**

Depina's Place Inc. d/b/a Pleasant Street Bar & Grill (the "Licensee") holds an alcoholic beverages license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams hearing on Tuesday, March 9, 2021, regarding alleged violations of:

- 1) 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: Mass. Exec. COVID- 19 Order No. 55 (Nov. 2, 2020) – Patron or employee failing to wear a mask or cloth face covering over their mouth and nose when in a public location;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 57 (Dec. 8, 2020).

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Report;
  2. ABCC Form 43 License Transfer Approval, 7/12/2010;
  3. Massachusetts Executive COVID-19 Order No. 55, 11/2/2020;
  4. Massachusetts Executive COVID-19 Order No. 57, 12/8/2020;
  5. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 12/11/2020;
  6. ABCC Enforcement Memorandum, 3/3/2021;
  7. Licensee's Stipulation of Facts.
- A. Licensee's Statement.

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

### FINDINGS OF FACT

1. On Thursday, January 21, 2021, at approximately 9:35 p.m., Investigators Kenny and Teehan ("Investigators") conducted an investigation of Depina's Place Inc. d/b/a Pleasant Street Bar & Grill to determine the manner in which the business was being conducted, and to ensure compliance with Massachusetts Governor Charles Baker's Executive COVID-19 Orders.
2. Investigators entered the licensed premises and observed the bartender on duty, later identified as Monique, behind the bar without any facial covering. Investigators observed approximately 8 to 10 individuals seated at the bar, side by side with no separation.
3. Investigators observed a few individuals standing at the bar, without any facial coverings, and consuming alcoholic beverages.
4. Investigators identified themselves to Monique, informed her of their observations and reviewed the COVID guidelines and Sector Specific Safety Standards with her.
5. Investigators later spoke with the Licensee, Benvindo Depina, via telephone, informed him of the violations, and that a report would be filed with the Chief Investigator for further review.
6. Mr. Depina attended the Commission hearing and testified he was outside disposing of trash when the Investigators arrived, and they had already left before he came back inside. He testified he has since made sure to be on the premises every night at closing time to ensure compliance.
7. The Licensee has held a license under M.G.L. c. 138, § 12 since 2010 with no prior violations.

### 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: Mass. Exec. COVID- 19 Order No. 55 (Nov. 2, 2020) – Patron or employee failing to wear a mask or cloth face covering over their mouth and nose when in a public location;
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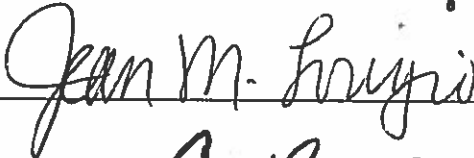
The Commission hereby **INDEFINITELY SUSPENDS** the license of Depina's Place Inc. d/b/a Pleasant Street Bar & Grill **effective forthwith** until further written order of the Commission.

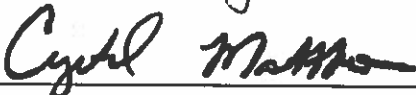
The Commission will not issue any further order without a written request from the licensee showing good cause to reconsider this indefinite suspension.

Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan. The Licensee must submit to the DLS a COVID Control Plan to reopen (see link here: <https://www.mass.gov/doc/sector-specific-workplace-safety-standards-for-restaurants-to-address-covid-19-030121/download>) and operate in compliance with COVID 19 Orders Nos. 33, 37, 40 and 43, and the Restaurant Sector Specific Standards. Said plan must be submitted to both Michael Flanagan ([michael.flanagan@mass.gov](mailto:michael.flanagan@mass.gov)) and Mary Dozois ([mary.dozois@mass.gov](mailto:mary.dozois@mass.gov)) requesting review and approval.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Deborah A. Baglio, Commissioner 

Jean M. Lorizio, Chairman 

Crystal Matthews, Commissioner 

Dated: March 25, 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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