



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

February 9, 2021

C & D SHAMROCK INC. D/B/A THE 19TH HOLE
11 BARNSTABLE ROAD
BARNSTABLE, MA 02601
LICENSE#: 00005-RS-0070
VIOLATION DATE: 11/25/2020
HEARD: 1/25/2021

After a hearing on January 25, 2021, the Commission finds C & D Shamrock Inc. d/b/a The 19th Hole violated:

- 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: Massachusetts Executive COVID-19 Order No. 54 (Nov. 2, 2020).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of C & D Shamrock Inc. d/b/a The 19th Hole **effective forthwith** until further written order of the Commission.

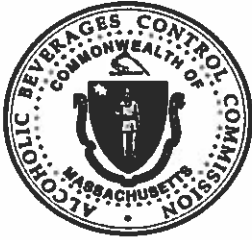
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

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
Jamie Binienda, Investigator
Jack Carey, Investigator
Mark Kenny, Investigator
Michael Flanagan, Dept. of Labor Standards
John W. Kenney, Esq.
Administration, File



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

DECISION

**C & D SHAMROCK INC. D/B/A THE 19TH HOLE
11 BARNSTABLE ROAD
BARNSTABLE, MA 02601
LICENSE#: 00005-RS-0070
VIOLATION DATE: 11/25/2020
HEARD: 1/25/2021**

C & D Shamrock Inc. d/b/a The 19th Hole (the "Licensee") holds an all 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 on Monday, January 25, 2021, 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: Massachusetts Executive COVID-19 Order No. 54 (Nov. 2, 2020).

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

The following documents are in evidence:

1. Investigator Binienda's Report;
2. Form 43 License Approval, 5/24/1996;
3. Massachusetts Executive COVID-19 Order No. 37, 6/6/2020;
4. Massachusetts Executive COVID-19 Order No. 40, 6/19/2020;
5. Massachusetts Executive COVID-19 Order No. 54, 11/2/2020;
6. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 11/5/2020;
7. ABCC Enforcement Memorandum, 1/21/2021;
8. Licensee's Stipulation of Facts.

A. Licensee's Daily Receipts Ledger, 11/23/2020 - 12/13/2020.

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

FINDINGS OF FACT

1. On Wednesday, November 25, 2020, at approximately 9:04 p.m., Investigators Carey, Kenny, and Binienda ("Investigators") conducted an investigation of C & D Shamrock Inc. d/b/a The 19th Hole to determine the manner in which its 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 approximately 50-60 patrons standing, sitting, and walking around the premises. Most of the patrons were not wearing any facial coverings and were not observing social distancing requirements. Many were in possession of alcoholic beverages.
3. Investigators observed patrons, without any facial covering, standing close together in front of the bar and consuming alcoholic beverages. Investigators observed little, if any, evidence of food service.
4. Investigators identified themselves to the bartender on duty, Mark Oddell, and requested that he come outside to speak with them.
5. Mr. Oddell stated that he was the only employee working this evening and was performing the duties of bartender, waiter, and cook.
6. Investigators inquired if anyone on the premises was consuming food. Mr. Oddell stated he had served a couple of hotdogs and some peanuts.
7. Investigator Binienda stated that it looked like Mr. Oddell was not following the COVID regulations. Mr. Oddell acknowledged things got away from him.
8. Investigators asked Mr. Oddell how many patrons were inside the establishment. Mr. Oddell stated approximately 60 patrons.
9. Investigators informed Mr. Oddell of their observations and reviewed the COVID-19 guidelines and Sector Specific Safety Standards for Restaurants with him.
10. Investigators advised Mr. Oddell of the violations and that a report would be filed with the Chief Investigator for further action.
11. David Cronin, the Licensee, attended the Commission hearing along with Mr. Oddell. The Commission was informed that a large crowd unexpectedly arrived at the licensed premises approximately 30 minutes prior to the Investigators' arrival and the lone employee on duty was overwhelmed. The incident along with COVID policies were reviewed with all staff members. Mr. Oddell was suspended for one week. The Licensee continues to conduct weekly meetings with employees and COVID regulations are being strictly enforced.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 1996.

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: 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: Massachusetts Executive COVID-19 Order No. 54 (Nov. 2, 2020).

The Commission hereby **INDEFINITELY SUSPENDS** the license of C & D Shamrock Inc. d/b/a The 19th Hole **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-phase-iii-step-1-for-restaurants-to-address-covid-1/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) and Mary Dozois (mary.dozois@mass.gov) requesting review and approval.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Jean M. Lorizio, Chairman



Dated: February 9, 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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