

*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

October 13, 2020

**CARLO'S CUCINA 02134, INC. D/B/A CARLO'S CUCINA ITALIANA
131 BRIGHTON AVENUE, ALLSTON
BOSTON, MA 02116
LICENSE#: 04872-RS-0116
VIOLATION DATE: 9/04/2020
HEARD: 9/30/2020**

After a hearing on September 30, 2020, the Commission finds Carlo's Cucina 02134, Inc. d/b/a Carlo's Cucina Italiana 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: Violation of Massachusetts Executive COVID-19 Order No. 46 (August 7, 2020).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Carlo's Cucina 02134, Inc. d/b/a Carlo's Cucina Italiana **effective forthwith** until further written order of the Commission.

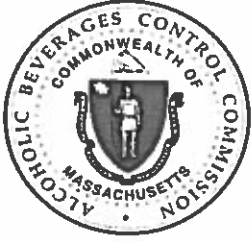
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
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
Christopher Temple, Investigator
Caroline Guarino, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**CARLO'S CUCINA 02134, INC. D/B/A CARLO'S CUCINA ITALIANA
131 BRIGHTON AVENUE, ALLSTON
BOSTON, MA 02116
LICENSE#: 04872-RS-0116
VIOLATION DATE: 9/04/2020
HEARD: 9/30/2020**

Carlo's Cucina 02134, Inc. d/b/a Carlo's Cucina Italiana (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 hearing on Wednesday, September 30, 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 Massachusetts Executive COVID-19 Order No. 46 (August 7, 2020).

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

The following documents are in evidence:

1. Investigator Temple's Report;
2. Licensee Stipulation of Facts;
3. Copy of License Approval, 5/8/2019;
4. Massachusetts Executive COVID-19 Order No. 37;
5. Massachusetts Executive COVID-19 Order No. 40;
6. Massachusetts Executive COVID-19 Order No. 46;
7. Massachusetts COVID-19 Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 8/10/2020; and

8. ABCC Enforcement Memorandum, 9/30/2020.

A. Color Photographs (6) of Licensee's Premises.

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

FINDINGS OF FACT

1. On Friday, September 4, 2020, at approximately 9:45 p.m., Investigators Guarino and Temple ("Investigators") conducted an investigation of Carlo's Cucina 02134, Inc. d/b/a Carlo's Cucina Italiana 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. While outside the licensed premises, Investigators observed approximately 10 individuals standing around a table and throughout the premises, all without any facial covering.
3. Investigators identified themselves to an employee and asked to speak with a manager.
4. While they waited for the manager, Investigators observed patrons without any facial covering walking throughout the establishment, and other patrons without any facial covering embracing one another and exiting the premises.
5. When the manager arrived, Investigators informed him of their observations, and pointed out several individuals without any facial covering.
6. Investigators advised the manager of the violations and that a report would be filed with the Chief Investigator for review.
7. Bryant Rodriguez, Licensee and Manager of Record, appeared at the Commission hearing and testified that the group inside the premises came in together for a rehearsal dinner, and there were no other patrons at the establishment. He acknowledged that as the group finished dinner they began to mingle and take photographs.
8. Mr. Rodriguez added that he held an emergency meeting with employees on the night of the incident and re-emphasized the importance of mask and safety protocols put in place to address COVID-19.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2019 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: 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 Massachusetts Executive COVID-19 Order No. 46 (August 7, 2020).

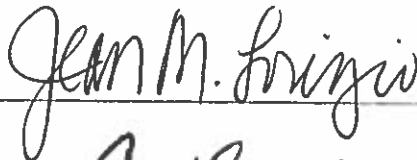
The Commission hereby **INDEFINITELY SUSPENDS** the license of Carlo's Cucina 02134, Inc. d/b/a Carlo's Cucina Italiana **effective forthwith** until further written order of the Commission.

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/phase-iii-step-1-restaurants-checklist-92220/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

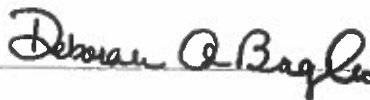
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: October 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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
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
Christopher Temple, Investigator
Caroline Guarino, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File
