



*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 28, 2020

**WAH HOI LLC D/B/A CHINATOWN RESTAURANT  
53 OAK STREET  
BROCKTON, MA 02301  
LICENSE#: 00181-RS-0144  
VIOLATION DATE: 9/04/2020  
HEARD: 9/30/2020**

---

After a hearing on September 30, 2020, the Commission finds Wah Hoi LLC d/b/a Chinatown Restaurant 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 Wah Hoi LLC d/b/a Chinatown Restaurant **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  
Nicole Smith, Investigator  
Nicholas Velez, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Richard J. Lawton, Esq.  
Administration, File

---



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

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

**DECISION**

**WAH HOI LLC D/B/A CHINATOWN RESTAURANT**  
**53 OAK STREET**  
**BROCKTON, MA 02301**  
**LICENSE#: 00181-RS-0144**  
**VIOLATION DATE: 9/04/2020**  
**HEARD: 9/30/2020**

---

Wah Hoi LLC d/b/a Chinatown Restaurant (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 Smith's Report.

The following documents are in evidence:

1. Investigator Smith's Report;
2. Licensee Stipulation of Facts;
3. Copy of License Transfer Application Approval, 7/22/2013;
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;

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

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

FINDINGS OF FACT

1. On Friday, September 4, 2020, at approximately 8:30 p.m., Investigators Velez and Smith ("Investigators") conducted an investigation of Wah Hoi LLC d/b/a Chinatown Restaurant 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 observed three (3) individuals seated at the bar consuming food and alcoholic beverages, with the bartender serving the customers over the bar. The sector specific workplace standards state that, "Restaurants may not seat any customers at the bar."
3. Investigators observed a male employee without a facial covering re-shelving glasses at the bar directly in front of customers seated at the bar.
- ~~4. Investigators approached the bartender on duty and asked to speak to the manager.~~ Investigators observed the manager, Sunny Wong, walk toward them through the restaurant without wearing a facial covering.
5. Investigators had earlier observed Mr. Wong, without a facial covering while standing behind the bar and walking to tables. The sector specific workplace standards state that "face coverings are required for all customers and workers at all times."
6. Investigators informed Mr. Wong of their observations and pointed several individuals without any facial covering and also individuals seated at the bar.
7. Mr. Wong stated to Investigators that this was the first day he had opened the restaurant for indoor dining as they were usually open only for take-out orders. Mr. Wong identified the individuals seated at the bar as regular patrons of the restaurant.
8. As Investigators spoke with Mr. Wong, they observed another employee without a facial covering walk through the establishment and stand at the door to overhear their conversation.
9. Investigators advised Mr. Wong of the violations and that a report would be filed with the Chief Investigator for further review.
10. Mr. Wong appeared with Counsel at the Commission hearing. The Commission was informed that the Investigators arrived as the Licensee was getting ready to close at 9:00 P.M. It was Labor Day weekend and there were two (2) take-out orders left to be picked up by regular customers. Mr. Wong was just about to have some food himself and made drinks for the two (2) customers who came in to pick up their orders.
11. The Licensee has held a license under M.G.L. c. 138, § 12 since 2013 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 Wah Hoi LLC d/b/a Chinatown Restaurant **effective forthwith** until further written order of the Commission.

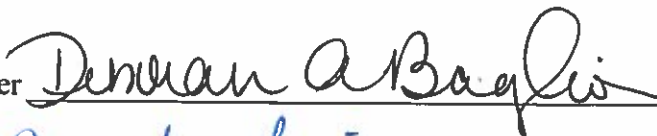
The Commission will not issue any further order without a written request from the licensee showing good cause to reconsider this indefinite suspension.

---

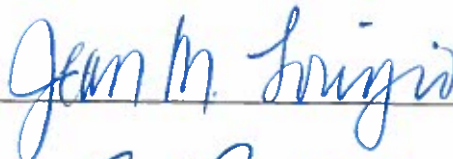
Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan. The Licensee must submit to the 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](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: October 28, 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  
Nicole Smith, Investigator  
Nicholas Velez, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Richard J. Lawton, Esq.  
Administration, File

---