



*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

December 23, 2020

**MACK RENDEZVOUS BPOE, INC. D/B/A RENDEZVOUS LOUNGE
473 RIVERSIDE STREET
DRACUT, MA 01826
LICENSE#: 00027-RS-0292
VIOLATION DATE: 10/23/2020
HEARD: 12/08/2020**

After a hearing on December 8, 2020, the Commission finds Mack Rendezvous BPOE, Inc. d/b/a Rendezvous Lounge 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 Mass. Exec. COVID-19 Order No. 52 (September 29, 2020).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Mack Rendezvous BPOE, Inc. d/b/a Rendezvous Lounge **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
Nicole Smith, Investigator
Christopher Temple, Investigator
Michael Flanagan, Dept. of Labor Standards
Dennis Cormier, Esq.
Administration, File



***Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**MACK RENDEZVOUS BPOE, INC. D/B/A RENDEZVOUS LOUNGE
473 RIVERSIDE STREET
DRACUT, MA 01826
LICENSE#: 00027-RS-0292
VIOLATION DATE: 10/23/2020
HEARD: 12/08/2020**

Mack Rendezvous BPOE, Inc. d/b/a Rendezvous Lounge (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 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).

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 Form 43 Transfer of License Approval, 10/29/2013;
4. Massachusetts Executive COVID-19 Order No. 37;
5. Massachusetts Executive COVID-19 Order No. 40;
6. Massachusetts Executive COVID-19 Order No. 52;
7. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 10/01/2020;
8. ABCC Enforcement Memorandum, 12/7/2020.

- A. Licensee's COVID-19 Control Plan;
- B. Memorandum to ABCC re: Protocols, 12/3/2020.

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

FINDINGS OF FACT

1. On Friday, October 23, 2020, at approximately 7:30 p.m., Investigators Temple and Smith ("Investigators") conducted an investigation of Mack Rendezvous BPOE, Inc. d/b/a Rendezvous Lounge 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 20 patrons consuming alcoholic beverages. There was no indication of food service.
3. To the right of the entrance, Investigators observed two (2) patrons standing, singing, and dancing while consuming alcoholic beverages. These female patrons were not wearing any facial coverings.
4. Investigators observed two patrons without any facial coverings standing and leaning on the bar. Investigators observed that the bartender on duty wore her facial covering pulled down below her chin. Investigators observed the bartender pour two shots of Dr. McGillicuddy's liqueur and serve the two patrons standing at the bar. Investigators observed the two patrons consume the alcoholic beverages.
5. Investigators identified themselves to the bartender and asked to speak to a manager outside. Dawn McNnis identified herself to Investigators as the employee in charge.
6. Investigators informed Ms. McNnis of their observations and reviewed the COVID-19 guidelines and Sector Specific Safety Standards for Restaurants with her. Ms. McNnis indicated that she would take corrective action to ensure that all staff wear a facial covering at all times, and all patrons are seated.
7. Investigators advised Ms. McNnis of the violations and that a report would be filed with the Chief Investigator for further review.
8. Mr. Paul Mercier, Licensee and License Manager, attended the Commission hearing along with Attorney Dennis Cormier. Attorney Cormier acknowledged violations occurred on October 23, 2020, and stated numerous steps had been taken to ensure compliance with the COVID-19 Orders. These steps included hiring additional employees, one of whom, along with Mr. Mercier, is designated as a compliance officer, and installing additional Plexiglass barriers.
9. 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;
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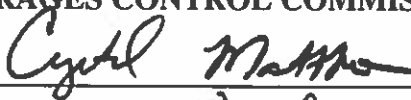
The Commission hereby **INDEFINITELY SUSPENDS** the license of Mack Rendezvous BPOE, Inc. d/b/a Rendezvous Lounge **effective forthwith** until further written order of the Commission.

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

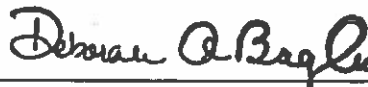
Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Dated: December 23, 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.

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