



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

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

**MEMORANDUM AND ORDER ON LICENSEE'S**  
**REQUEST FOR RECONSIDERATION**

**M&M LOUNGE INC. D/B/A JOKER'S LOUNGE**  
**135 STEWART STREET**  
**DRACUT, MA 01826**  
**LICENSE#: 00028-RS-0292**

M&M Lounge Inc. d/b/a Joker's Lounge (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "ABCC" or "Commission") held a hearing on Wednesday, October 14, 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).

By decision dated November 10, 2020 the Commission found the Licensee in violation of the charges and indefinitely suspended the License effective forthwith until further written order from this Commission.

The Commission stated that it would consider issuing a further order upon written request of the Licensee showing good cause to reconsider this indefinite suspension. Good cause for the Commission would include, but not be limited to, the Licensee's receiving approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan.

On November 30, 2020, the Licensee submitted a written request to reconsider the indefinite suspension. On November 30, 2020, the Commission received the letter of approval from Massachusetts Department of Labor Standards ("DLS").

**CONCLUSION**

Based on the evidence presented, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of M&M Lounge Inc. d/b/a Joker's Lounge effective forthwith.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner

*Deborah A. Baglio*

Jean M. Lorizio, Chairman

*Jean M. Lorizio*

Crystal Matthews, Commissioner

*Crystal Matthews*

Dated: December 2, 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  
David Bolcome, Investigator  
Joseph Di Cicco, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Administration, File

To whom it may concern,

On September 11<sup>th</sup> M&M Lounge Inc. D/B/A Joker's Lounge was in violation of the following:

1. Covid-19 Order No. 37
2. Covid-19 Order No. 40
3. Covid-19 Order No. 46

During the hearing on October 14<sup>th</sup>, we asked what the violation where and the following was told to us. Employee without a mask on, 2 Softball patrons without masks on and the inspectors noticed no food.

At the hearing we asked if we could explain the following violation and what we are doing to make sure it doesn't happen again. The employee without the mask was answering the phone and pulled it off to do so, not thinking. The 2 Patrons were softball player and told the employee they had an underline health issues that they couldn't wear one. We have suspended Softball from playing and any and all activities on the field for the rest of the year or till Covid-19 has been lifted. When the inspectors came in the employee had finished cleaning up the table areas of the finished food and others were cooking at the time.

On October 11<sup>th</sup> we had an employee meeting to discuss the finding from the offence on September 11<sup>th</sup>. We told the employee the following:

- At no time is your mask to be off even answering the phone
- If a patron walks in without a mask offer them one or they must leave Immediately
- All patrons are to order food before any drinks are ordered
- Checklist of cleaning will be completed throughout the day
- Informed the employees if they aren't feeling well to reach out immediately and to stay home

Since our closer on Thursday November 12<sup>th</sup>, we have implemented extra precautions such as a cleaning checklist for the employees/manager to do throughout the day. To insure we are completely sanitized throughout the building. We have added extra signs on the incoming doors. We have hand sanitizer for customers and employees to use, signs have been posted to remind them of social distancing and Hygiene. We have asked the vendors that do come in to schedule times before we open to limit the amount of people in at one time. In order to make sure the employees are up to date on all the Covid-19 regulation we are having once a week meetings to ensure we are all on the same page.

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We have been in contact with DLS, and have provided them all the documentation they have needed along with picture of certain things they wanted. On 11/30/20 they have approved us as being in compliance with the regulations. We are asking to be reinstated to open and will continue to following the guidelines that have been set in place for the safety of all.

Look forward to hearing from you.

Thank you

Edward Morgan and Ashley McLuin

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THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR STANDARDS

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

ROSALIN ACOSTA  
SECRETARY

MICHAEL FLANAGAN  
DIRECTOR

November 25, 2020

Alcohol and Beverage Control Commission  
95 Fourth Street  
Chelsea, MA 02150-2358  
[phathaway@tre.state.ma.us](mailto:phathaway@tre.state.ma.us)

RE: ABCC License #00028-RS-0292  
M&M Lounge Inc. d/b/a Joker's Lounge 135 Stewart Street, Dracut, MA 01826  
DLS Case # 21C-5901

The Department of Labor Standards has reviewed the written COVID-19 Control Plan from the **Joker's Lounge** located at **135 Stewart Street, Dracut, MA** and verified plan implementation through photos provided by the owner.

The Department of Labor Standards has determined the business' COVID-19 Control Plan to be satisfactory according to COVID-19 Orders No. 33, 37 or 43.

Sincerely,

*Mary Dozois*

Mary Dozois CIH CSP  
Supervisor, Workplace Safety & Health Program  
MA Department of Labor Standards  
72 School Street, Taunton, MA 02780  
617-626-5987 and [mary.dozois@mass.gov](mailto:mary.dozois@mass.gov)

## TEMPLATE (PART 1 OF 2)

# COVID-19 Control plan



All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans do not need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak.

All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity.

### BUSINESS INFORMATION | please provide the following information

Business name: M&M Lounge Inc. d/b/a Joker's Lounge  Check if part of a larger corporation

Address: 135 Stewart Street

Contact information (Owner/Manager): Edward Morgan

Contact information (HR representative), if applicable: \_\_\_\_\_

Number of workers on-site: 2-3

### SOCIAL DISTANCING | check the boxes to certify that you have:

- Ensured that all persons, including employees, customers, and vendors remain at least six feet apart to the greatest extent possible, both inside and outside workplaces
- Established protocols to ensure that employees can practice adequate social distancing
- Posted signage for safe social distancing
- Required face coverings or masks for all employees
- Implemented additional procedures. Please describe them here: Signs have been posted throughout the building and on the door entrances

### HYGIENE PROTOCOLS | check the boxes to certify that you have:

- Provided hand washing capabilities throughout the workplace
- Ensured frequent hand washing by employees and provided adequate supplies to do so
- Provided regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site
- Implemented additional procedures. Please describe them here: Made up a checklist for the Employee/manger to complete every day and throughout the day

## TEMPLATE (PART 2 OF 2)

# COVID-19 Control plan



All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans **do not** need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak.

All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity.

### STAFFING & OPERATIONS check the boxes to certify that you have: \_\_\_\_\_

- Provided training for employees regarding the social distancing and hygiene protocols
- Ensured employees who are displaying COVID-19-like symptoms do not report to work
- Established a plan for employees getting ill from COVID-19 at work, and a return-to-work plan
- Implemented additional procedures. Please describe them here: \_\_\_\_\_  
\_\_\_\_\_

### CLEANING & DISINFECTING check the boxes to certify that you have: \_\_\_\_\_

- Established and maintained cleaning protocols specific to the business
- Ensured that when an active employee is diagnosed with COVID-19, cleaning and disinfecting is performed
- Prepared to disinfect all common surfaces at intervals appropriate to said workplace
- Implemented additional procedures. Please describe them here: **Checklist includes cleaning reminders of all door handles and tables etc.** \_\_\_\_\_  
\_\_\_\_\_