

*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**

November 23, 2020

**MAY EAST INC. D/B/A MAY EAST  
594 WASHINGTON STREET  
EASTON, MA 02375  
LICENSE#: 00044-RS-0368  
VIOLATION DATE: 9/11/2020  
HEARD: 10/21/2020**

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After a hearing on October 21, 2020, the Commission finds May East Inc. d/b/a May East 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);
- 4) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: C. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (5 counts).

Therefore, on the first – third violations, 204 CMR 2.05 (2), to wit: Massachusetts Executive COVID-19 Order No. 37, No. 40 and No. 46, the Commission **INDEFINITELY SUSPENDS** the license of May East Inc. d/b/a May East **effective forthwith** until further written order of the Commission.

On the fourth violation, 204 CMR 2.05 (2) to wit: M.G.L. Ch. 138, § 34C (5 Counts), the Commission hereby **SUSPENDS** the license for a period of five (5) days with dates of said suspension to be determined by the Commission upon reinstatement of the license.

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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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  
Michael Teehan, Investigator  
Lisa Watson, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Administration, File



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

**DECISION**

**MAY EAST INC. D/B/A MAY EAST  
594 WASHINGTON STREET  
EASTON, MA 02375  
LICENSE#: 00044-RS-0368  
VIOLATION DATE: 9/11/2020  
HEARD: 10/21/2020**

May East Inc. d/b/a May East (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, October 21, 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; and
- 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);
- 4) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: C. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (5 counts).

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigators' Reports.

The following documents are in evidence:

1. Investigator Teehan's Report;
2. Investigator Watson's Report;
3. Licensee Stipulation of Facts;
4. Copy of License Transfer Approval, 12/11/1992;
5. Town of Easton Decision, 12/08/2008;
6. Massachusetts Executive COVID-19 Order No. 37;
7. Massachusetts Executive COVID-19 Order No. 40;

8. Massachusetts Executive COVID-19 Order No. 46;
9. Massachusetts COVID-19 Specific Workplace Safety Standards for Restaurants to Address COVID-19, 8/10/2020;
10. ABCC Enforcement Memorandum, 10/7/2020.

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

#### FINDINGS OF FACT

1. On Friday, September 11, 2020, at approximately 11:20 p.m., Investigators Watson and Teehan ("Investigators") conducted an investigation of May East Inc. d/b/a May East 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 six (6) individuals seated at the bar with five (5) of the individuals consuming alcoholic beverages with no indication of food service. The Sector Specific Workplace Standards state that "Restaurants may not seat any customers at the bar", and that "alcoholic beverages may only be served for on-site consumption if accompanied by food prepared on-site."
3. Investigators observed that the owner and manager, Cristo Wong, who was also the male bartender on duty, was serving customers without wearing a face covering. The Sector Specific Workplace Standards state that "face coverings are required for all customers and workers at all times."
4. Investigators identified themselves and informed Mr. Wong of their observations.
5. While on the licensed premises, Investigators observed several youthful appearing individuals, seated on stools at the back bar, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
6. Underage #1, actual date of birth 7/29/2001 (age 19), was in possession of a Scorpion Bowl mixed drink, and appeared to be intoxicated. A friend (Underage #3) repeatedly asked Underage #1 to wake up and give his identification. Underage #1 presented to Investigators his true Massachusetts driver's license.
7. Underage #2, actual date of birth 7/31/2000 (age 20), was in possession of a shot of Bailey's Irish liqueur. He presented to Investigators his true Massachusetts driver's license and stated to Investigators that he was not asked for identification when he entered the establishment.
8. Underage #3, actual date of birth 1/16/2001 (age 19), was in possession of a Scorpion Bowl mixed drink. He stated that he was not asked for identification when he entered the establishment. He presented to Investigators his true Massachusetts driver's license.
9. Underage #4, actual date of birth 12/12/2001 (age 18), was in possession of a shot of Bailey's Irish liqueur. He presented to Investigators his true Massachusetts driver's license and stated that he was not asked for identification upon entering the licensed premises.

10. Underage #5, actual date of birth 1/17/2002 (age 18), was in possession of a Corona beer. He presented to Investigators his true Massachusetts driver's license and stated that he was not asked for identification upon entering the licensed premises.
  11. Investigators informed Mr. Wong of the violations and that a report would be filed with the Chief Investigator for further action.
  12. Mr. Wong appeared at the Commission hearing and testified that the party of six (6) individuals seated at the bar had ordered chicken wings and chicken fingers prior to the investigator's arrival.
  13. Mr. Wong further testified that his policy is to request identification from patrons who appear to be young. He stated that the five (5) underage individuals had been at the establishment before and had showed identification. Therefore, he did not ask for identification on the night of the incident. Mr. Wong indicated that he now checks identification at the door and if people do not have identification, they are not allowed to enter the premises. He acknowledged the seriousness of the violations and is taking precautions to ensure this does not happen again.
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14. The Licensee has held a license under M.G.L. c. 138, § 12 since 1992.

### 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);
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (5 Counts).

On the first - third violations, 204 CMR 2.05 (2): Massachusetts Executive COVID-19 Order No. 37, No. 40 and No. 46, the Commission hereby **INDEFINITELY SUSPENDS** the license of May East Inc. d/b/a May East **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.

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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.

On the fourth violation, 204 CMR 2.05 (2): M.G.L. Ch. 138, § 34C (5 Counts), the Commission hereby **SUSPENDS** the license for a period of five (5) days with dates of said suspension to be determined by the Commission upon reinstatement of the license.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

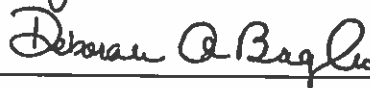
Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Dated: November 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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