



*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

April 30, 2021

**OLIVEIRAS ENTERPRISES CORP. D/B/A OLIVEIRA'S STEAK BAR & GRILL
749-751 BROADWAY
EVERETT, MA 02149
LICENSE#: 00088-RS-0382
VIOLATION DATE: 1/16/2021
HEARD: 3/30/2021**

After a hearing on March 30, 2021, the Commission finds Oliveiras Enterprises Corp. d/b/a Oliveira's Steak Bar & Grill 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: Mass. Exec. COVID- 19 Order No. 55 (Nov. 2, 2020) – Patron or employee failing to wear a mask or cloth face covering over their mouth and nose when in a public location;
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Mass. Exec. COVID-19 Order No. 58 (Dec. 8, 2020) – Failure to comply with rules applicable to Step 1 of Phase III of the Re-Opening Plan.
- 5) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Mass. Exec. COVID-19 Order No. 59 (Dec. 22, 2020) – Exceeding capacity limitation.

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Oliveiras Enterprises Corp. d/b/a Oliveira's Steak Bar & Grill **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.

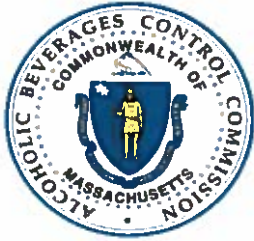
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Jean M. Lorizio
Chairman

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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
Marc Kornitsky, Esq.
Administration, File



*Commonwealth of Massachusetts
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DECISION

**OLIVEIRAS ENTERPRISES CORP. D/B/A OLIVEIRA'S STEAK BAR & GRILL
749-751 BROADWAY
EVERETT, MA 02149
LICENSE#: 00088-RS-0382
VIOLATION DATE: 1/16/2021
HEARD: 3/30/2021**

Oliveiras Enterprises Corp. d/b/a Oliveira's Steak Bar & Grill (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, March 30, 2021, 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: Mass. Exec. COVID- 19 Order No. 55 (Nov. 2, 2020) – Patron or employee failing to wear a mask or cloth face covering over their mouth and nose when in a public location;
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Mass. Exec. COVID-19 Order No. 58 (Dec. 8, 2020) – Failure to comply with rules applicable to Step 1 of Phase III of the Re-Opening Plan;
- 5) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Mass. Exec. COVID-19 Order No. 59 (Dec. 22, 2020) – Exceeding capacity limitation.

Prior to the commencement of the hearing, the Licensee stipulated to the facts in Investigator Bolcome's report, other than stating there were 85 patrons inside the licensed premises as opposed to 100 patrons as alleged by Investigator Bolcome.

The following documents are in evidence:

1. Investigator Bolcome's Report;
2. ABCC Form 43 New License Approval, 6/6/2008;
3. Massachusetts Executive COVID-19 Order No. 37, 6/6/2020;
4. Massachusetts Executive COVID-19 Order No. 40, 6/19/2020;
5. Massachusetts Executive COVID-19 Order No. 55, 11/2/2020;
6. Massachusetts Executive COVID-19 Order No. 58, 12/8/2020;
7. Massachusetts Executive COVID-19 Order No. 59, 12/22/2020;
8. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 12/11/2020;
9. ABCC Enforcement Memorandum, 2/23/2021;
10. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Saturday, January 16, 2021, at approximately 7:30 p.m., Investigators Di Cicco and Bolcome ("Investigators") conducted an investigation of Oliveiras Enterprises Corp. d/b/a Oliveira's Steak Bar & Grill 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 eight (8) people waiting in line to go through an employee served buffet line. To the right of the buffet line, Investigators observed a dining area with customers seated at tables.
3. The buffet area and dining area were both visible through the front windows of the establishment. From the exterior, the establishment appeared to be a take-out style restaurant.
4. Investigators identified themselves to the manager, Wilton. While Investigator Di Cicco spoke with Wilton, Investigator Bolcome walked to rooms located towards the left and the rear of the building.
5. Investigator Bolcome observed the first room contained back-to-back booth seating with patrons at each table. The second room contained back-to-back booth seating and high-top table seating. A bar located to the right in the second room had no seating. Investigator Bolcome observed nearly every table in each of these two rooms was full, with customers eating and drinking.
6. The room farthest back, which was the largest room, was dimly lit with loud music and crowded tables. Investigators observed that the two booth seating areas were adjacent to each other with no barrier above the back rests of the seats. Investigators observed that individuals seated at these tables appeared to be members of the same group. They were observed leaning over the back rests to interact with one another.

7. Investigators observed individuals from the booth seating area walking back and forth between the two tables. Some of the individuals were not wearing any facial covering.
8. At one point, Investigators observed at least 10 individuals push into one of the booth seating areas. Individuals also stood together next to the tables to take a picture.
9. Investigators counted approximately 100 patrons on the premises.¹ The manager Wilton stated the allowed capacity at the licensed premises was 200 individuals.
10. Investigators informed Wilton of the 25% capacity limitation and table-spacing requirements. Investigators reviewed the COVID guidelines and Sector Specific Safety Standards with Wilton and advised him to take corrective action.
11. Investigators informed Wilton of the violations and that a report would be filed with the Chief Investigator for review.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2008, 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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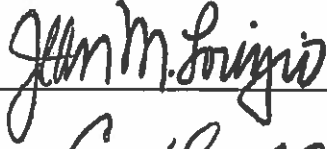
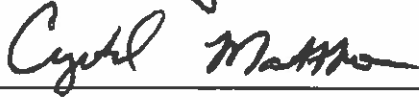

The Commission hereby **INDEFINITELY SUSPENDS** the license of Oliveiras Enterprises Corp. d/b/a Oliveira's Steak Bar & Grill **effective forthwith** until further written order of the Commission.

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

¹ The Licensee stipulated to having 85 patrons inside the licensed premises.

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/sector-specific-workplace-safety-standards-for-restaurants-to-address-covid-19-030121/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: April 30, 2021

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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