



*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

September 22, 2020

**CB AND B INC. D/B/A COLONIAL HOTEL  
625 BETTY SPRING ROAD  
GARDNER, MA 01440  
LICENSE#: 00012-HT-0436  
VIOLATION DATES: 8/1/2020 and 8/2/2020  
HEARD: 9/01/2020**

After a hearing on September 1, 2020, the Commission finds CB and B Inc. d/b/a Colonial Hotel 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: Massachusetts Executive COVID- 19 Order No. 43 (July 2, 2020)- Violation of Workplace Safety Standards for Indoor and Outdoor Events to Address COVID-19;
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 44 (July 2, 2020) – Exceeding Outdoor Gathering Limit.

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of CB and B Inc. d/b/a Colonial Hotel **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.

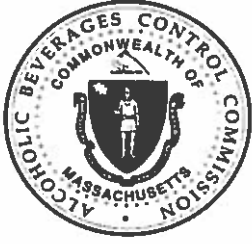
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**



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  
Joe Di Cicco, Investigator  
David Bolcome, Investigator  
William J. Morrissey, Esq.  
Michael Flanagan, Dept. of Labor Standards  
Administration, File



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

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

**DECISION**

**CB AND B INC. D/B/A COLONIAL HOTEL  
625 BETTY SPRING ROAD  
GARDNER, MA 01440  
LICENSE#: 00012-HT-0436  
VIOLATION DATES: 8/1/2020 and 8/2/2020  
HEARD: 9/01/2020**

---

CB and B Inc. d/b/a Colonial Hotel (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 Tuesday, September 1, 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: Massachusetts Executive COVID- 19 Order No. 43 (July 2, 2020)- Violation of Workplace Safety Standards for Indoor and Outdoor Events to Address COVID-19;
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 44 (July 2, 2020) – Exceeding Outdoor Gathering Limit.

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator DiCicco's Report.

The following documents are in evidence:

1. Investigator DiCicco's Investigative Report;
2. Copy of New License Application approval, 12/9/1998;
3. Copy of Alteration of Premises Application approval, 7/9/2012;
4. Six (6) Photographs of Licensed Premises;
5. South Coast Today article, 8/6/2020;
6. MassLive article, 8/6/2020;

7. Massachusetts Department of Labor Standards, Written Warning and Order to Correct for Non-Compliance with Covid-19 Safety Standards, 7/23/2020;
  8. Massachusetts Department of Labor Standards, Civil Citation 1 and Penalty for Non-Compliance with Covid-19 Safety Standards, 8/7/2020;
  9. Massachusetts Department of Labor Standards, Civil Citation 2 and Penalty for Non-Compliance with Covid-19 Safety Standards, 8/7/2020;
  10. Town of Gardner Email, 8/6/2020;
  11. Massachusetts Executive COVID-19 Order No. 37, 6/6/2020;
  12. Massachusetts Executive COVID-19 Order No. 40, 6/19/2020;
  13. Massachusetts Executive COVID-19 Order No. 43, 7/2/2020;
  14. Massachusetts Executive COVID-19 Order No. 44, 7/2/2020;
  15. Massachusetts Sector Specific Workplace Specific Safety Standards for Restaurants to Address COVID-19, 7/6/2020;
  16. Massachusetts Workplace Safety Standards for Indoor and Outdoor Events to Address COVID-19, 7/2/2020;
  17. ABCC Enforcement Memorandum, 9/1/2020;
  18. Licensee Stipulation of Facts.
- 

There is one (1) audio recording of this hearing, and two (2) witnesses testified.

#### FINDINGS OF FACT

1. On Thursday, August 6, 2020, Investigators Bolcome and DiCicco (“Investigators”) conducted an investigation of the business CB and B Inc. d/b/a Colonial Hotel (“Licensee” or “Colonial”) to determine the manner in which its business was being conducted and to investigate a complaint filed with this Commission. (Testimony, Exhibit 1)
2. The complaint alleged that Colonial had hosted two weddings during the first weekend in August 2020 and that both weddings had in excess of 100 persons, in violation of Massachusetts Governor Charles Baker’s Executive COVID-19 Orders. (Testimony, Exhibit 1)
3. Investigators visited the hotel, spoke via telephone with the manager of record, Nicole Moorshead, and informed her of the complaint. (Testimony, Exhibit 1)
4. Ms. Moorshead is also an officer and director of the Licensee corporation. (Commission Records)

5. Ms. Moorshead stated to Investigators that she had researched the state's COVID-19 guidelines<sup>1</sup> which stated that no more than 100 individuals could be in a single outdoor space. She believed the hotel was complying because Colonial had two separate tents set up outside. Each tent had less than 100 people inside at one time. She stated that Colonial had used the same two-tent setup in the past to host two separate events simultaneously. (Testimony, Exhibit 1)
  6. Ms. Moorshead informed Investigators that during the August 1, 2020 wedding, only 100 individuals were allowed at the ceremony.
  7. Ms. Moorshead further stated that there had been no dance floor, no bar service, no more than six individuals per table, and the tables had been properly distanced, in compliance with COVID-19 guidelines. At both weddings, in an effort to aid with social distancing, the restaurant and ballroom areas of the hotel were closed.
  8. Ms. Moorshead stated that she had been in contact with the City of Gardner prior to reopening the restaurant and had discussed the two-tent setup Colonial planned to utilize for events. She stated she had been informed by Gardner that the plan would comply with Governor Baker's Executive COVID-19 Orders.
- 
9. While speaking with Investigators, Ms. Moorshead decided to drive to the hotel to meet with Investigators in person.
  10. When Ms. Moorshead arrived at the licensed premises, Investigators observed that the two tents from the weddings were still standing. There was one large tent and a second tent which appeared to be a cross between an outdoor event space and a patio for the hotel restaurant. Investigators made the following observations:
    - All tables appeared to be at least 6 feet from each other;
    - Each table had no more than 6 chairs;
    - Each tent did not appear to have a dance floor;
    - One tent had a bar. (Testimony, Exhibits 1, 4)
  11. Ms. Moorshead stated that drinks were made at the bar but there was no service at the bar as multiple cocktail servers worked the event. (Exhibit 2)
  12. Ms. Moorshead stated to Investigators that when she was informed that the practices Colonial had followed during these weddings were not in compliance with Governor Baker's Executive COVID-19 Orders, she then contacted the hosts of future wedding events at Colonial to inform them that they could not have a wedding that exceeded 100 individuals.

---

<sup>1</sup> Ms. Moorshead later provided this excerpt from the mass.gov website to Investigator DiCicco: "Outdoor gatherings in enclosed permitted or leased spaces are limited to 25% of the maximum permitted occupancy of the facility or 8 persons per 1,000 square feet and never more than 100 persons in a single outdoor space that is enclosed, permitted or leased. Outdoor gatherings in unenclosed spaces are not subject to capacity limitations. (Exhibit 1)

13. Investigators informed Ms. Moorshead they may require additional information and documentation.
14. Investigators learned later that prior to the weddings of August 1<sup>st</sup>, the Massachusetts Department of Labor Standards (“DLS”) sent a warning letter via certified mail to Colonial, and an email to Ms. Moorshead, warning Colonial about the non-compliance of the event. Under Corrective Actions Required, the letter stated, “*Limited events, including weddings, to no more than 100 people including staff (i.e., guest list would have to be less than 100 people if caterers or DJ [disc jockey] or others workers present.*” (Emphasis supplied.) (Exhibit 3)
15. When Investigators asked Ms. Moorshead about the DLS warning letter, she provided them with a copy of it. Ms. Moorshead stated to Investigators that she did not receive or see the DLS letter until after the events had been held.
16. The City of Gardner Health Department sent an email to DLS stating that an employee from Colonial had informed them that both events had in excess of 100 individuals; both events had dancing and bar service; one event had some individuals wearing facial coverings while the other event had no individuals wearing facial coverings. (Exhibit 7)
17. On August 12, 2020, Investigators contacted Ms. Moorshead about the conflicting reports of the events they had received. Investigators informed Ms. Moorshead of the violations and that a report would be filed with the Chief Investigator for review.
18. Ms. Moorshead appeared and testified at the Commission hearing and stated that one of the weddings was that of her son. She admitted an estimated 185 guests were present and the two tents were used for the event, with people split between them. Ms. Moorshead further acknowledged that dancing took place at her son’s wedding.
19. Ms. Moorshead admitted that days before the event of August 1, 2020, there was some “push back” from the City of Gardner’s Department of Public Health as to the proposed floor plan for upcoming events on August 1, 2020 and August 2, 2020. (Testimony)
20. The Licensee has held a license under M.G.L. c. 138, § 12 since 1998 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: Massachusetts Executive COVID- 19 Order No. 43 (July 2, 2020)- Violation of Workplace Safety Standards for Indoor and Outdoor Events to Address COVID-19;
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 44 (July 2, 2020) – Exceeding Outdoor Gathering Limit.

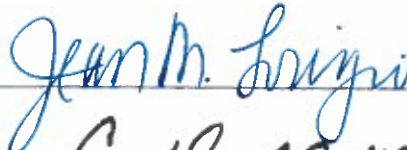
The Commission hereby INDEFINITELY SUSPENDS the license of CB and B, Inc. d/b/a Colonial Hotel effective forthwith until further written order of the Commission.

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

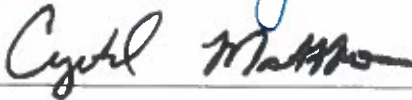
Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension shall include, but not be limited to, the Licensee's receiving approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan. The Licensee must submit to the DLS a COVID Control Plan to reopen 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 Dozios (mary.dozios@mass.gov) requesting review and approval.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

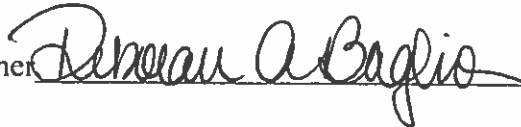
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: September 22, 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  
Joe Di Cicco, Investigator  
David Bolcome, Investigator  
William J. Morrissey, Esq.  
Michael Flanagan, Dept. of Labor Standards  
Administration, File

---