



*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**

**D'ITZEL RESTAURANT INC. D/B/A D'ITZEL RESTAURANT
15 UNION STREET
LYNN, MA 01902
LICENSE#: 03316-RS-0638**

D'Itzel Restaurant Inc. d/b/a D'Itzel Restaurant (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 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;
- 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 August 9, 2021, the Licensee submitted a written request to reconsider the indefinite suspension. On August 9, 2021, 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 D'Itzel Restaurant Inc. d/b/a D'Itzel Restaurant effective forthwith.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner 

Deborah A. Baglio, Commissioner 

Jean M. Lorizio, Chairman 

Dated: August 9, 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.

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
- Michael Flanagan, Dept. of Labor Standards
- John Connell, Esq
- Administration, File



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

August 9, 2021

Alcohol and Beverage Control Commission
95 Fourth Street
Chelsea, MA 02150-2358
phathaway@tre.state.ma.us

RE: ABCC License 03316-RS-0638
D'Itzel Restaurant Inc. d/b/a D'Itzel Restaurant
DLS Case # 21C-5911

The MA Department of Labor Standards determines the business **D'Itzel Restaurant Inc. d/b/a D'Itzel Restaurant at 15 Union Street in Lynn, MA** is allowed to open and operate without restrictions regarding COVID-19.

The Massachusetts COVID-19 sector specific standards for Restaurants were lifted on May 29, 2021.

This business received a notice of indefinite suspension on November 10, 2020 from ABCC. The Department of Labor Standards contacted the attorney on record, Beltre Law Firm on November 12, 2020 to explain the steps for DLS to review the COVID-19 safety plan in order to reinstate the license. The attorney stopped working with DLS on December 8, 2020. On August 6, 2021 a different law office, Upton Connell & Devlin, contacted DLS to renew the process to reinstate the license.

The Department of Labor Standards has determined the business' COVID-19 Control Plan to be satisfactory according to COVID-19 Order No. 69 (05/08/2021).

Sincerely,

Mary Dozois

Mary Dozois CIH CSP
Supervisor, Workplace Safety & Health Program
MA Department of Labor Standards
508-967-9945 and mary.dozois@mass.gov

**COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL COMMISSION**

IN RE: D'ITZEL RESTAURANT, INC.)
D/B/A D'ITZEL RESTAURANT)
15 UNION STREET)
LYNN, MA 10902)
)
LICENSE# 03316-RS-0638)
VIOLATION DATE: 9/19/2020)
HEARD: 10/21/2020)
DECISION DATE: 11/10/2020)

**MOTION FOR RECONSIDERATION AND
REQUEST TO LIFT INDEFINITE SUSPENSION OF LICENSE**

The above referenced licensee, D'Itzel Restaurant, Inc. d/b/ Ditzel Restaurant (the "Licensee"), hereby requests the Massachusetts Alcoholic Beverages Control Commission (the "Commission") to reconsider its Decision dated November 10, 2020 indefinitely suspending the Licensee's liquor license issued pursuant to G.L. c. 138, sec. 12 (the "License") and to re-instate the Licensee's License, and in support hereof states as follows:

1. Pursuant to a decision issued by the Commission on November 10, 2020, the Commission immediately and for indefinite period of time suspended the Licensee's License due to the Commission's findings that certain Massachusetts Executive COVID - 19 Orders in effect on the Violation Date were violated by the Licensee.

2. The Licensee's restaurant business has been closed as a result therefore for the past almost nine (9) months.

3. The Licensee has submitted to the Massachusetts Department of Labor Standards ("DLS") a request for an approved re-opening plan and approval of such a plan by DLS was issued on August 9, 2021 (See Ex. 1) and was also transmitted to the Commission separately by DLS.

4. The Licensee will abide by the policies and practices approved by DSL and therefore good cause exists for the Commission to reconsider its Decision of November 10, 2020 and to re-instate the Licensee's License upon receiving DLS' approval of Licensee's proposed policies and procedures.

WHEREFORE, the Licensee moves and requests the Commission to reconsider its Decision of November 10, 2021 and to re-instate the Licensee's License upon receiving DLS' approval of Licensee's proposed re-opening plan.

Respectfully submitted,

John P. Connell

John P. Connell

John P. Connell, Esq.
UPTON CONNELL & DEVLIN, LLP
112 Water Street, Suite 201
Boston, MA 02109
Tel. 617-227-3277
Fax. 617-227-3222
Email: JConnell@UCDlaw.com

COUNSEL FOR D'ITZEL RESTAURANT, INC.
