

*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 4, 2020

**RJ'S SPORTS BAR & GRILL LLC
1111 RIVERSIDE DRIVE
METHUEN, MA 01844
LICENSE#: 04679-RS-0696
VIOLATION DATE: 10/08/2020
HEARD: 11/03/2020**

After a hearing on November 3, 2020, the Commission finds RJ's Sports Bar & Grill LLC 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 Mass. Exec. COVID-19 Order No. 52 (September 29, 2020).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of RJ's Sports Bar & Grill LLC **effective forthwith** until further written order of the Commission.

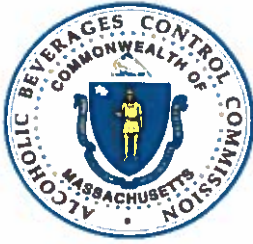
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

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
Robert Gardner, Investigator
Joseph Di Cicco, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File



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DECISION

**RJ'S SPORTS BAR & GRILL LLC
1111 RIVERSIDE DRIVE
METHUEN, MA 01844
LICENSE#: 04679-RS-0696
VIOLATION DATE: 10/08/2020
HEARD: 11/03/2020**

RJ's Sports Bar & Grill LLC (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 hearing on Tuesday, November 3, 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 Mass. Exec. COVID-19 Order No. 52 (September 29, 2020).

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

The following documents are in evidence:

1. Investigator Gardner's Report;
2. Licensee Partial Stipulation of Facts;
3. Copy of New License Approval, 2/15/2019;
4. Nine (9) Photos of Interior of Licensed Premises;
5. Massachusetts Executive COVID-19 Order No. 37;
6. Massachusetts Executive COVID-19 Order No. 40;
7. Massachusetts Executive COVID-19 Order No. 52;
8. Massachusetts COVID-19 Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 10/01/2020;

9. ABCC Enforcement Memorandum, 11/03/2020.

A. Five (5) Photos of Interior of the Licensed Premises illustrating corrective action taken.

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

FINDINGS OF FACT

1. On Thursday, October 8, 2020, at approximately 10:30 p.m., Investigators Di Cicco and Gardner ("Investigators") conducted an investigation of RJ's Sports Bar & Grill LLC 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 multiple individuals, in possession of alcoholic beverages, without any facial coverings walking throughout the premises.
3. On several occasions, Investigators observed individuals approach the bar and receive alcoholic beverages directly from the bartender.
4. Investigators observed many individuals without facial coverings and in possession of alcoholic beverages, playing darts and pool.
5. Investigators observed that staff members were wearing facial coverings and that there were signs which stated that facial coverings were required to be worn, throughout the premises.
6. Investigators approached the bartender on duty and asked to speak to a manager or owner. John Dolle informed Investigators that he was the person in charge.
7. Investigators reviewed the COVID-19 guidelines and Sector Specific Safety Standards for Restaurants with Mr. Dolle, who stated that he would take immediate corrective action.
8. Investigators requested that Mr. Dolle have the owner or manager contact them regarding their observations.
9. Investigators advised Mr. Dolle that a report would be filed with the Chief Investigator for further review.
10. John Ryan, Member of the Licensee LLC, contacted Investigator Gardner at a later date. Mr. Ryan was cooperative, acknowledged the problems and informed the Investigator that he was prepared to take corrective action.
11. Mr. Ryan appeared at the Commission hearing and testified as to steps taken to ensure compliance with the COVID-19 Orders including adding Plexiglass at the bar and roping off the pool table area. In addition, Mr. Ryan testified that better training has been provided to the staff.

12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2019 with no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

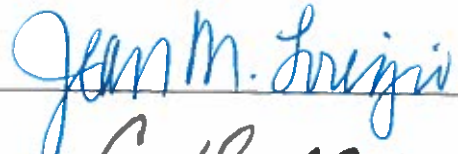
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- 3) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 52 (September 29, 2020).


The Commission hereby **INDEFINITELY SUSPENDS** the license of RJ's Sports Bar & Grill LLC **effective forthwith** until further written order of the Commission.

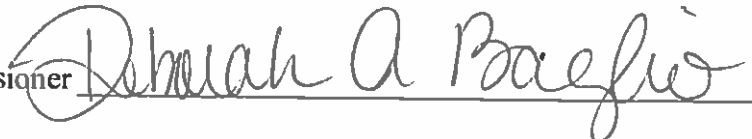
The Commission will not issue any further order without a written request from the licensee showing good cause to reconsider this indefinite suspension.

Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but 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) 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: November 4, 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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