



*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**

**RJ'S SPORTS BAR & GRILL LLC  
1111 RIVERSIDE DRIVE  
METHUEN, MA 01844  
LICENSE#: 04679-RS-0696**

RJ's Sports Bar & Grill LLC (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 Tuesday, November 3, 2020 regarding alleged violations of:

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- 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).

By decision dated November 4, 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.

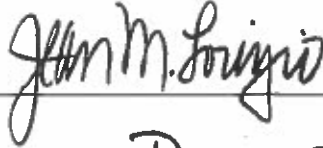
On November 12, 2020, the Licensee submitted a written request to reconsider the indefinite suspension. On November 12, 2020, the Commission received the notice of approval from Massachusetts Department of Labor Standards ("DLS").

**CONCLUSION**

Based on the evidence presented, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of RJ's Sports Bar & Grill LLC **effective forthwith**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Crystal Matthews, Commissioner



Dated: November 13, 2020

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

November 12, 2020

Alcohol and Beverage Control Commission  
95 Fourth Street  
Chelsea, MA 02150-2358  
[phathaway@tre.state.ma.us](mailto:phathaway@tre.state.ma.us)

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RE: ABCC License 04679-RS-0696  
RJ'S Sports Bar and Grill LLC  
1111 Riverside Drive Methuen, MA 01844  
DLS Case # 21C-10161

The Department of Labor Standards has reviewed the written COVID-19 Control Plan from the **RJ's Sports Bar and Grill LLC located in Methuen, MA** and verified plan implementation through photos provided by the owner.

The Department of Labor Standards has determined the business' COVID-19 Control Plan to be satisfactory according to COVID-19 Orders No. 33, 37 or 43.

Sincerely,

*Mary Dozois*

Mary Dozois CIH CSP  
Supervisor, Workplace Safety & Health Program  
MA Department of Labor Standards  
72 School Street, Taunton, MA 02780  
617-626-5987 and [mary.dozois@mass.gov](mailto:mary.dozois@mass.gov)

## RESTAURANTS

# MA COVID-19 Checklist



"Restaurant" means an establishment that provides seated food service that is prepared on-site and under a Food Service Establishment, for food service establishments that cook, prepare and serve food, intended for immediate consumption, as permitted and issued by a municipal authority pursuant to 105 CMR 590.000. Potato chips, pretzels, and other similar pre-packaged, shelf stable foods, or other food prepared off-site, do not constitute food "prepared on-site." A restaurant that also serves alcoholic beverages may only do so when providing seated food service prepared on site as explained below.

In accordance with the COVID-19 Order No. 53, Requiring Early Closing for Certain Businesses and Activities, Restaurants must close to the public by 9:30 pm and may not re-open to the public before 5:00 am the following day ("mandatory closing period"). During this daily mandatory closing period, restaurants must not admit any customers, patrons, or members of the public, except for the limited purposes of take-out dining, and may not provide in-person, on-premises service or consumption. Table service customers seated before the start of the mandatory closing period may remain at the table to finish any food and beverages that have been ordered and served to them before 9:30 pm, but they must exit the premises by 10:00 pm at the latest. Restaurants may not serve any food or beverages to any customers after 9:30 pm except for take-out service. Restaurants may permit employees to stay on premises during the mandatory closing period, and may offer food and non-alcoholic beverages for take-out and by delivery. No restaurant may sell or provide alcohol of any kind between the hours of 9:30 pm and 5:00 am.

Events hosted at restaurants must follow the Indoor and Outdoor Events guidance, including the capacity limitations in that guidance. The mandatory closing period restrictions require that events cease by 9:30 pm, and attendees must depart the premises at that time.



## SOCIAL DISTANCING & CAPACITY LIMITS

### Ensure >6ft between individuals

- ☐ Require face coverings for all customers and workers at all times, except where an individual is unable to wear a face covering due to medical condition or disability
- ☐ Customers must wear face coverings unless seated at tables
- ☐ While indoor table service is permitted, restaurants are encouraged to structure operations to operate as much as possible through outdoor table service and to strictly limit indoor table service in order to assure effective compliance with social distancing requirements and to limit activities within confined spaces
- ☐ Restaurants must comply with the following sector specific social distancing rules for providing dining services in all customer seating areas:
  - Tables must be positioned so to maintain at least a 6 foot distance from all other tables and any high foot traffic areas (e.g., routes to bathrooms, entrances, exits); tables may be positioned closer if separated by protective / non-porous barriers (e.g., structural walls or plexi-glass dividers) not less than 6 feet high installed between tables and high foot traffic areas
  - The size of a party seated at a table cannot exceed 10 people
- ☐ Bar seating is permitted provided that either:
  - There are no active work areas or working staff behind the bar at least 6 ft away; or
  - There is a physical barrier (e.g. Plexiglas) separating customers from the bar space that is at least 30 inches high and a gap/opening at the bottom of the barrier is allowed for food and drink service as long as the gap/opening is no more than 8 inches high
  - In addition, parties must be seated at bars (no standing customer service) and parties must be spaced at least 6 ft from other parties
  - Subject to any applicable building and fire code requirements, bar areas may be re-configured to accommodate table seating that complies with all spacing and other requirements in these COVID-19 safety standards. Tables must not be placed within 6 feet of the staffed bartending area.
- ☐ All customers must be seated; eat-in service to standing customers (e.g., around bar areas) is prohibited
- ☐ Restaurants may provide carry-out or delivery service, but all safety standards for table separation, size of party, and hygiene must be maintained for any indoor or outdoor table seating that is available to carry-out patrons
- ☐ All other amenities and areas not employed for food and beverage service (e.g., dance floors, pool tables, playgrounds, etc.) must be closed or removed to prevent gathering of customers.
- ☐ Recreation amenities which are allowed to open in Step 1 of Phase III (such as arcade games) may be open if adhering to all safety protocols in the Arcades & Other Indoor & Outdoor Game & Recreation Businesses including the requirement that active use of pool tables and other games involving patrons not seated at tables is not permitted in areas where food service is provided.
- ☐ Ensure separation of 6 feet or more between all individuals (workers, vendors, and customers) unless this creates a safety hazard due to the nature of the work or the configuration of the workspace
  - Close or reconfigure worker common spaces and high density areas where workers are likely to congregate (e.g., break rooms, eating areas) to allow 6 feet of physical distancing; redesign work stations to ensure physical distancing (e.g., separate tables, stagger workstations on either side of processing lines so workers are not face-to-face, use distance markers to assure spacing including in the kitchen area)
  - Establish directional hallways and passageways for foot traffic if possible, to minimize contact (e.g., one-way entrance and exit to the restaurant). Post clearly visible signage regarding these policies
  - Prohibit lingering in common areas (e.g., waiting areas, bathrooms) and ensure social distancing in common areas by marking 6 feet spacing with tape or paint on the floor and signage
  - All customer-facing workers (e.g., servers, bus staff) must minimize time spent within 6 feet of customers

## RESTAURANTS

# MA COVID-19 Checklist



### SOCIAL DISTANCING & CAPACITY LIMITS

#### Ensure >6ft between individuals

- ☒ Designate assigned working areas to workers where possible to limit movement throughout the restaurant and limit contact between workers (e.g., assigning zones to servers)
- ☒ Stagger work schedules and staff meal and break times, regulating maximum number of people in one place and ensuring at least 6 feet of physical distancing
- ☒ Minimize the use of confined spaces (e.g., elevators, vehicles) by more than one person at a time
- ☐ Valet parking operations should be avoided unless necessary due to physical or geographic constraints or in order to accommodate individual guests with disabling conditions
- ☐ Valets must be provided with hand sanitizer and should use sanitizer before and after parking vehicles



### HYGIENE PROTOCOLS

#### Apply robust hygiene protocols

- ☒ All workers must wash their hands frequently, and table servers must wash their hands or apply hand sanitizer between each table interaction
- ☒ Ensure access to handwashing facilities on site, including soap and running water, and allow sufficient break time for workers to wash hands frequently; alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative
- ☒ Alcohol-based hand sanitizers with at least 60% alcohol shall be made available at entrances, exits, and in the dining area
- ☒ Supply workers at workplace location with adequate cleaning products (e.g., sanitizer, disinfecting wipes)
- ☒ Post visible signage throughout the site to remind workers and customers of hygiene and safety protocols
- ☒ Self-serve, unattended buffets, topping bars, drink stations, and other communal serving areas must remain closed
- ☒ Condiments and similar products (e.g., salt, pepper, and salad dressing) should not be pre-set on tables and should instead only be provided upon request either in single-serving portions (e.g., individual packages or cups) or in serving containers that are sanitized between each use
- ☒ Menus must be one of the following: 1) paper, single-use menus disposed after each use, 2) displayed menu (e.g., digital, whiteboard, chalkboard), 3) electronic menus viewed on customers' phones / mobile devices
- ☒ Utensils and place settings must be either single-use or sanitized after each use; utensils should be rolled or packaged. Tables should not be pre-set to reduce opportunity for exposure
- ☒ Tables and chairs must be cleaned and sanitized thoroughly between each seating



### STAFFING & OPERATIONS

#### Include safety procedures in the operations

- ☐ When possible, reservations or call ahead seating should be encouraged; managers must ensure that customers waiting for tables do not congregate in common areas or form lines
- ☒ When taking reservations and when seating walk-in customers, restaurants should retain a phone number of someone in the party for possible contact tracing
- ☐ Encourage use of technological solutions where possible to reduce person-to-person interaction (e.g., contactless payment, mobile ordering, text on arrival for seating)
- ☐ Restaurants may not provide customers with buzzers or other devices to provide alerts that seating is available or orders are ready; restaurants should instead use no-touch methods such as audio announcements, text messaging, and notices on fixed video screens or blackboards
- ☒ Alcoholic beverages may only be served for on-site consumption if accompanied by food prepared on-site. Potato chips, pretzels, and other pre-packaged, shelf stable foods, or other food prepared off-site, do not constitute food "prepared on-site." For each customer, an item of prepared food must be ordered at the same time as an initial alcoholic beverage(s) order. One or more shareable food item(s) may be ordered, as long as it/they would sufficiently serve the number of people at the table.
- ☒ Provide training to workers on up-to-date safety information and precautions including hygiene and other measures aimed at reducing disease transmission, including:
  - Social distancing, hand-washing, and requirement and proper use of face coverings
  - Modifying practices for serving in order to minimize time spent within 6 feet of customers
  - Self-screening at home, including temperature or symptom checks
  - Reinforcing that staff shall not come to work if sick
  - When to seek medical attention if symptoms become severe
  - Which underlying health conditions may make individuals more susceptible to contracting and suffering from a severe case of the virus
- ☒ Restaurant operators should establish adjusted workplace hours and shifts for workers to minimize contact across workers and reduce congestion at entry points
- ☐ Limit visitors and vendors on site; shipping and deliveries should be completed in designated areas

Additional details on Sector-Specific Protocols can be found at <https://www.mass.gov/info-details/reopening-massachusetts>



**STAFFING & OPERATIONS****Include safety procedures in the operations**

- ☒ Restaurants must screen workers at each shift by ensuring the following:
  - Worker is not experiencing any symptoms such as fever (100.0 and above) or chills, cough, shortness of breath, sore throat, fatigue, headache, muscle/body aches, runny nose/congestion, new loss of taste or smell, or nausea, vomiting or diarrhea
  - Worker has not had "close contact" with an individual diagnosed with COVID-19. "Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for 15 minutes or more, or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19
  - Worker has not been asked to self-isolate or quarantine by their doctor or a local public health official
  - Workers who fail to meet the above criteria must be sent home
- ☒ Anyone showing signs of illness may be denied entry
- ☒ Workers who are particularly high risk to COVID-19 according to the Centers for Disease Control (e.g., due to age or underlying conditions) are encouraged to stay home or arrange an alternate work assignment
- ☒ Encourage workers who test positive for COVID-19 to disclose to the employer for purposes of cleaning / disinfecting and contact tracing. If the employer is notified of any positive case at the workplace, the employer must immediately notify the local Board of Health (LBOH) in the city or town where the workplace is located. Employers must assist the LBOH with contact tracing efforts, including advising likely contacts to isolate and self-quarantine. Testing of other workers may be recommended consistent with guidance and / or at the request of the LBOH
- ☒ Notify workers that they may not work if they test positive for COVID-19 (they should be isolated at home) or are found to be a close contact of someone with COVID-19 (they should be quarantined at home)
- ☒ Post notice to workers and customers of important health information and relevant safety measures as outlined in the Commonwealth's Mandatory Safety Standards for Workplace
- ☒ Designate the Person in Charge (105 CMR 590) for each shift to oversee implementation of the guidelines in this document
- ☐ Restaurants will be allowed to maximize outdoor dining space, including patios and parking lots where available, where municipal approval is obtained
- ☒ Additional on-site amenities and services shall only open and operate when those amenities or services would otherwise be authorized to operate under the Commonwealth's Phased Reopening Plan and then must adhere to all sector-specific safety protocols, available on the Reopening Plan website, applicable to the amenity or service. Examples include:
  - Darts, arcade games, and other indoor games: Must follow the Arcades & Other Indoor & Outdoor Game & Recreation Businesses guidance, including the requirement that active use of pool tables and other games involving patrons not seated at tables is not permitted in areas where food service is provided.
  - Musical and other performances: Must follow the latest Theater and Performance Venue guidance, including distance between performers and between performers and attendees. Any performers arriving from other states must follow the Commonwealth's current out-of-state travel order. Performances at indoor venues in Step 1 communities may not include singing or the playing of wind or brass instruments. Performances at indoor venues in step 2 communities may not include singing, but may include the playing of wind or brass instruments in accordance with the performance venue guidance
  - Dance floors: Must remain closed until Phase 4
  - Gift shops: Must follow the latest retail guidance
  - Events hosted at restaurants must follow the Indoor and Outdoor Events guidance, including the capacity limitations in that guidance.
- ☒ Encourage use of technological solutions where possible to reduce person-to-person interaction (e.g., contactless payment, mobile ordering, text on arrival for seating)
- ☒ Workers who are particularly high risk to COVID-19 according to the Centers for Disease Control (e.g., due to age or underlying conditions) are encouraged to stay home or arrange an alternate work assignment
- ☒ Workers are strongly encouraged to self-identify symptoms or any close contact to a known or suspected COVID-19 case to the employer
- ☒ Encourage workers who test positive for COVID-19 to disclose to the employer for purposes of cleaning / disinfecting and contact tracing

**CLEANING & DISINFECTING****Incorporate robust hygiene protocols**

- ☒ Clean commonly touched surfaces in restrooms (e.g., toilet seats, doorknobs, stall handles, sinks, paper towel dispensers, soap dispensers) frequently and in accordance with CDC guidelines
- ☒ Keep cleaning logs that include date, time, and scope of cleaning
- ☒ Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, elevator buttons, staircases)
- ☒ Implement procedures to increase cleaning / disinfecting in the back-of-house. Avoid all food contact surfaces when using disinfectants. Food contact surfaces must be cleaned and sanitized before use with a sanitizer approved for food contact surfaces. Non-food contact surfaces must be frequently cleaned
- ☒ In the event of a presumptive or actual positive COVID-19 case of a worker, patron, or vendor, the restaurant shut down site for a deep cleaning and disinfecting of the workplace in accordance with current CDC guidance
- ☒ Open windows and doors to increase airflow where possible

## TEMPLATE (PART 1 OF 2)

# COVID-19 Control plan



All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans do not need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak.

All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity.

### BUSINESS INFORMATION | please provide the following information

Business name: RJ'S SPORTS BAR AND GRILL

☐ Check if part of a larger corporation

Address: 1111 RIVERSIDE DRIVE, METHUEN, MA, 01844

Contact information (Owner/Manager): RAYMOND J. NEAULT

Contact information (HR representative), if applicable: (603) 689-8785

Number of workers on-site: 3

### SOCIAL DISTANCING | check the boxes to certify that you have:

- ☒ Ensured that all persons, including employees, customers, and vendors remain at least six feet apart to the greatest extent possible, both inside and outside workplaces
- ☒ Established protocols to ensure that employees can practice adequate social distancing
- ☒ Posted signage for safe social distancing
- ☒ Required face coverings or masks for all employees
- ☒ Implemented additional procedures. Please describe them here: ADDED PLEXIGLASS BARRIER ON BAR, TO SEPERATE STAFF FROM CUSTOMERS

### HYGIENE PROTOCOLS | check the boxes to certify that you have:

- ☒ Provided hand washing capabilities throughout the workplace
- ☒ Ensured frequent hand washing by employees and provided adequate supplies to do so
- ☒ Provided regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site
- ☒ Implemented additional procedures. Please describe them here: PROVIDED HAND SANITIZER AT EACH TABLE

## TEMPLATE (PART 2 OF 2)

# COVID-19 Control plan



All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans do not need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak.

All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity.

### STAFFING & OPERATIONS check the boxes to certify that you have: \_\_\_\_\_

- ☒ Provided training for employees regarding the social distancing and hygiene protocols
- ☒ Ensured employees who are displaying COVID-19-like symptoms do not report to work
- ☒ Established a plan for employees getting ill from COVID-19 at work, and a return-to-work plan
- ☐ Implemented additional procedures. Please describe them here: \_\_\_\_\_

### CLEANING & DISINFECTING check the boxes to certify that you have: \_\_\_\_\_

- ☒ Established and maintained cleaning protocols specific to the business
- ☒ Ensured that when an active employee is diagnosed with COVID-19, cleaning and disinfecting is performed
- ☒ Prepared to disinfect all common surfaces at intervals appropriate to said workplace
- ☐ Implemented additional procedures. Please describe them here: \_\_\_\_\_