



***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

February 19, 2021

**NORTH ANDOVER MEXICAN RESTAURANT INC. D/B/A CASA BLANCA
1070 OSGOOD STREET
NORTH ANDOVER, MA 01845
LICENSE#: 00044-RS-0826
VIOLATION DATE: 11/12/2020
HEARD: 1/25/2021**

After a hearing on January 25, 2021, the Commission finds North Andover Mexican Restaurant Inc. d/b/a Casa Blanca 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. 54 (Nov. 2, 2020);
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Ch. 138 § 34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (13 Counts).

On the first – third violations, 204 CMR 2.05 (2), to wit: Massachusetts Executive COVID-19 Orders No. 37, No. 40, and No. 52, the Commission **INDEFINITELY SUSPENDS** the license of North Andover Mexican Restaurant Inc. d/b/a Casa Blanca **effective forthwith** until further written order of the Commission.

On the fourth violation, 204 CMR 2.05(2) C. 138, § 34C (13 Counts), the Commission **suspends the license for a period of 10 days with dates of said suspension to be determined by the Commission upon reinstatement of the license.**

You are advised that pursuant to the provisions of M.G.L. c.138 § 23, you may petition the Commission to accept an offer in compromise in lieu of suspension [for the 10-day suspension]

within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

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.

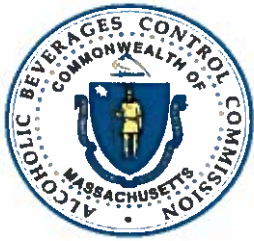
ALCOHOLIC BEVERAGES CONTROL COMMISSION



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Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Michael Flanagan, Dept. of Labor Standards
John M. Mello Jr., Esq.
Administration, File



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Alcoholic Beverages Control Commission
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DECISION

**NORTH ANDOVER MEXICAN RESTAURANT INC. D/B/A CASA BLANCA
1070 OSGOOD STREET
NORTH ANDOVER, MA 01845
LICENSE#: 00044-RS-0826
VIOLATION DATE: 11/12/2020
HEARD: 1/25/2021**

North Andover Mexican Restaurant Inc. d/b/a Casa Blanca (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 Monday, January 25, 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: Violation of Mass. Exec. COVID-19 Order No. 54 (Nov. 2, 2020);
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Ch. 138 § 34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (13 Counts).

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

The following documents are in evidence:

1. Investigator Di Cicco's Report;
2. Form 43 Transfer of License Approval, 7/14/2006;
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. 54, 11/2/2020;
6. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 11/05/2020;
7. ABCC Enforcement Memorandum, 12/18/2020;
8. Copy of Fraudulent Driver's Licenses;
9. DVD of Video Surveillance of Licensed Premise, 11/12/2020;
10. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, November 12, 2020, at approximately 8:55 p.m., Investigators Keefe and Di Cicco ("Investigators") conducted an investigation of North Andover Mexican Restaurant Inc. d/b/a Casa Blanca 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 a high volume of youthful appearing individuals, in possession of alcoholic beverages, in both the dining room and in the bar area of the restaurant. Investigators observed individuals in the dining room were seated at tables placed in close proximity to each other.
3. Investigators identified themselves to youthful appearing individuals in the bar area and asked to see proof of legal age.
4. Underage #1, actual date of birth 7/12/2000 (age 20), was in possession of a Margarita mixed drink. He presented to Investigators a fraudulent Connecticut driver's license in his own name with a different birth date.
5. Investigators identified themselves to youthful appearing individuals in the dining room and asked to see proof of legal age.
6. Underage #2, actual date of birth 3/12/2001 (age 19), was in possession of a Margarita mixed drink. He presented to Investigators a fraudulent Maine driver's license in his own name with a different birth date.
7. Underage #3, actual date of birth 1/24/2001 (age 19), was in possession of a Cosmopolitan mixed drink. She presented to Investigators a fraudulent Maine driver's license in her own name with a different birth date.
8. Underage #4, actual date of birth 2/22/2001 (age 19), was in possession of a Margarita mixed drink. She presented to Investigators a fraudulent Maine driver's license in her own name with a different birth date.
9. Underage #5, actual date of birth 4/24/2001 (age 19), was in possession of a Margarita mixed drink. She presented to Investigators a fraudulent Maine driver's license in her own name with a different birth date.

10. Underage #6, actual date of birth 7/19/2001 (age 19), was in possession of a Margarita mixed drink. She presented to Investigators a fraudulent Maine driver's license in her own name with a different birth date.
11. Underage #7, actual date of birth 7/25/2001 (age 19), was in possession of a Mojito mixed drink. She presented to Investigators a fraudulent Maine driver's license in her own name with a different birth date.
12. Underage #8, actual date of birth 3/10/2000 (age 20), was in possession of a Margarita mixed drink. He presented to Investigators a fraudulent Massachusetts driver's license in his own name with a different birth date.
13. Underage #9, actual date of birth 5/10/2001 (age 19), was in possession of a Margarita mixed drink. He presented to Investigators a fraudulent Massachusetts driver's license in his own name with a different birth date.
14. Underage #10, actual date of birth 11/12/2000 (age 20), was in possession of a Margarita mixed drink. He presented to Investigators a fraudulent Massachusetts driver's license in his own name with a different birth date.
15. Underage #11, actual date of birth 10/16/2000 (age 20), was in possession of a Margarita mixed drink. He presented to Investigators a fraudulent Massachusetts driver's license in his own name with a different birth date.
16. Underage #12, actual date of birth 03/24/2001 (age 19), was in possession of a Corona beer. He presented to Investigators a fraudulent Massachusetts driver's license in his own name with a different birth date.
17. Underage #13, actual date of birth 1/31/2000 (age 20), was in possession of a Margarita mixed drink. She presented to Investigators a fraudulent Pennsylvania driver's license in her own name with a different birth date.
18. Investigators made contact with Luis Vargas, identified the minors in possession, and informed him of their observations.
19. Investigators reviewed the security footage which showed multiple individuals without facial coverings standing and walking around the premises, visiting other tables, making physical contact, and failing to maintain proper distance from other patrons while socializing. Investigators noted that these occurrences took place in view of or in the presence of staff members.
20. Investigators informed Mr. Vargas that a report would be submitted to the Chief Investigator for review.
21. Luis Vargas, Licensee, appeared at the Commission hearing.
22. The Commission was informed of the steps taken to ensure future compliance with COVID-19 orders and to ensure alcohol is not furnished to patrons under 21 years of age. The Licensee has purchased a more advanced scanner and UV lights to help identify

fraudulent identifications. The Licensee has stopped accepting out of state licenses and has re-trained their staff.

23. The Licensee has held a license under M.G.L. c. 138, § 12 since 2006 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;
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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/sector-specific-workplace-safety-standards-phase-iii-step-1-for-restaurants-to-address-covid-1/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

Crystal Matthews, Commissioner

Crystal Matthews

Jean M. Lorizio, Chairman

Jean M. Lorizio

Deborah A. Baglio, Commissioner

Deborah A. Baglio

Dated: February 19, 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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