



**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 25, 2021

**KONSTANTINOS J. BABANIKAS (INDIVIDUAL) D/B/A MIKE'S FAMOUS PIZZA  
105 TAUNTON AVENUE  
NORTON, MA 02766  
LICENSE#: 00015-RS-0908  
VIOLATION DATE: 1/06/2021  
HEARD: 2/10/2021**

After a hearing on February 10, 2021, the Commission finds Konstantinos J. Babanikas (Individual) d/b/a Mike's Famous Pizza 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: Mass. Exec. COVID-19 Order No. 58 (Dec. 8, 2020) - Failure to comply with rules applicable to Step 1 of Phase III of the Re-Opening Plan.

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Konstantinos J. Babanikas (Individual) d/b/a Mike's Famous Pizza **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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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  
Caroline Guarino, Investigator  
Jack Carey, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Administration, File



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**KONSTANTINOS J. BABANIKAS (INDIVIDUAL) D/B/A MIKE'S FAMOUS PIZZA  
105 TAUNTON AVENUE  
NORTON, MA 02766  
LICENSE#: 00015-RS-0908  
VIOLATION DATE: 1/06/2021  
HEARD: 2/10/2021**

Konstantinos J. Babanikas (Individual) d/b/a Mike's Famous Pizza (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 Wednesday, February 10, 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: Mass. Exec. COVID-19 Order No. 58 (Dec. 8, 2020) – Failure to comply with rules applicable to Step 1 of Phase III of the Re-Opening Plan.

Prior to the commencement of the hearing the Licensee stipulated to the facts in Investigator Guarino's report.

The following documents are in evidence:

1. Investigator Guarino's Report;
2. Form 43 Transfer of License Approval, 12/2/2014;
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. 58, 12/8/2020;
6. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 12/11/2020;
7. ABCC Enforcement Memorandum, 2/8/2021;
8. Licensee's Stipulation of Facts.

A. Photograph of reconfigured bar at the Licensed Premises.

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

FINDINGS OF FACT

1. On Wednesday, January 6, 2021, at approximately 6:15 p.m., Investigators Carey and Guarino ("Investigators") conducted an investigation of Konstantinos J. Babanikas (Individual) d/b/a Mike's Famous Pizza 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. While outside of the licensed premises, Investigators looked in a window to the kitchen, and observed the cook who was not wearing a facial covering.
3. Investigators entered the licensed premises and observed four (4) patrons, with alcoholic beverages in front of them, seated at the bar. Only two of the four patrons had food.
4. Investigators asked the female bartender on duty for the bar tabs of the two patrons without food. One receipt indicated five (5) bottles of Budweiser beer with no food service. The other receipt indicated two (2) vodka drinks with no food service. Investigators asked the bartender if these patrons had eaten any food. The bartender responded that they had not ordered any food yet.
5. Investigators observed the cook walking in the back area of the bar without any facial covering.
6. Investigators reviewed the COVID guidelines and Sector Specific Safety Standards with the bartender.
7. Investigators informed the bartender of the violations and that a report would be filed with the Chief Investigator for review.
8. Konstantinos Babanikas, the Licensee, attended the Commission hearing with Michael Kampanelas, Manager. Mr. Babanikas testified that he did have and continues to have protocols in place to address concerns regarding COVID-19, including providing hand sanitizer throughout the premise for employee and patrons, sanitizing all surfaces, counters and tables before and after use by patrons, reducing the number of tables and chairs in the establishment, and posting signs throughout the licensed premise regarding the requirement that masks be worn. In addition, Mr. Babanikas stated he had initially buttressed two tables up against the bar, 6-feet apart, and stopped having any employees working behind the bar. At the suggestion of the local board of health, they decided to remove existing carpeting and replace it with hard wood flooring. The tables that had been placed up against the bar were moved to allow the work on the floor. Mr. Babanikas acknowledged that the tables had not been put back in place when the Investigators visited. Since that time, the two tables have been placed back against the bar, 6-feet apart. Mr. Babanikas and Mr. Kampanelas met with employees to reinforce safety precautions, the fact that masks must be worn at all times and that food must be ordered before any alcoholic

beverage service. In addition, plexiglass has been ordered for installation along the entire bar with movable barriers to be placed between parties.

9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2014 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: Mass. Exec. COVID-19 Order No. 58 (Dec. 8, 2020) – Failure to comply with rules applicable to Step 1 of Phase III of the Re-Opening Plan.

The Commission hereby **INDEFINITELY SUSPENDS** the license of Konstantinos J. Babanikas (Individual) d/b/a Mike's Famous Pizza **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/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](mailto:michael.flanagan@mass.gov)) and Mary Dozois ([mary.dozois@mass.gov](mailto:mary.dozois@mass.gov)) requesting review and approval.

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: February 25, 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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