



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

December 7, 2020

**CHRISTOFORO COLUMBO CLUB INC.
D/B/A CHRISTOPHER COLUMBUS CLUB
5 SAVERYS AVENUE
PLYMOUTH, MA 02360
LICENSE#: 00032-CL-0984
VIOLATION DATE: 11/01/2020
HEARD: 11/17/2020**

After a hearing on November 17, 2020, the Commission finds Christoforo Columbo Club Inc. d/b/a Christopher Columbus Club 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 Christoforo Columbo Club Inc. d/b/a Christopher Columbus Club **effective forthwith** until further written order of the Commission.

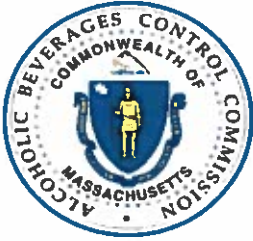
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

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
Dennis Keefe, Investigator
Lisa Watson, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
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DECISION

**CHRISTOFORO COLUMBO CLUB INC.
D/B/A CHRISTOPHER COLUMBUS CLUB
5 SAVERYS AVENUE
PLYMOUTH, MA 02360
LICENSE#: 00032-CL-0984
VIOLATION DATE: 11/01/2020
HEARD: 11/17/2020**

Christoforo Columbo Club Inc. d/b/a Christopher Columbus Club (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 Tuesday, November 17, 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 stipulated to the facts alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Report;
2. Licensee Stipulation of Facts;
3. Copy of New Seasonal License Approval, 9/3/1975;
4. Copy of New Annual License Approval 1/30/1976,
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, 10/1/2020;
9. ABCC Enforcement Memorandum, 11/16/2020.

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

FINDINGS OF FACT

1. On Sunday, November 1, 2020, at approximately 1:50 p.m., Investigators Watson and Keefe ("Investigators") conducted an investigation of Christoforo Columbo Club Inc. d/b/a Christopher Columbus Club 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. When Investigators attempted to open the front door of the premises it was locked, so they knocked on the door. Investigators heard footsteps approach the door and heard a voice state, "Guys I don't know who this is." A male individual then opened the front door and identified himself as the manager, Johnny Walker.
3. Investigators entered the licensed premises and identified themselves. Investigators observed a bartender without any facial covering, sitting behind the bar. Investigators observed multiple male individuals who were also without any facial coverings, sitting, standing, and playing automatic amusement devices. Some of these men quickly put on a facial covering after Investigators' entrance.
4. Mr. Walker stated to Investigators he was aware that the bartender and patrons standing or walking through the premises needed to wear a facial covering and indicated he would take corrective measures.
5. Investigators did not observe a lot of food on the tables where patrons were seated; however, there were pans of food located on a table in the middle of the establishment.
6. Investigators reviewed the COVID-19 guidelines and Sector Specific Safety Standards for Restaurants with Mr. Walker.
7. Investigators advised Mr. Walker of the violations and that a report would be filed with the Chief Investigator for further review.
8. Mr. Walker attended the Commission hearing and testified that he has taken steps to ensure compliance with the COVID-19 Orders and the Safety Standards.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 1976 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;
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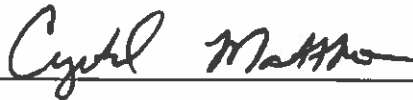
The Commission hereby **INDEFINITELY SUSPENDS** the license of Christoforo Columbo Club Inc. d/b/a Christopher Columbus Club **effective forthwith** until further written order of the Commission.

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

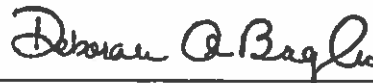
Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan. The Licensee must submit to the 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

Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Jean M. Lorizio, Chairman



Dated: December 7, 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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