



*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**

March 18, 2021

**SEASIDE CLUB OF PLYMOUTH, INC.  
77 FOREST AVENUE EXTENSION  
PLYMOUTH, MA 02360  
LICENSE#: 00013-CL-0984  
VIOLATION DATE: 1/31/2021  
HEARD: 3/16/2021**

After a hearing on March 16, 2021, the Commission finds Seaside Club of Plymouth, Inc. 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. 57 (Dec. 8, 2020);
- 4) 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 Seaside Club of Plymouth, Inc **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

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  
Jamie Binienda, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Administration, File



*Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3*  
*Chelsea, Massachusetts 02150-2358*

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**SEASIDE CLUB OF PLYMOUTH, INC.**  
**77 FOREST AVENUE EXTENSION**  
**PLYMOUTH, MA 02360**  
**LICENSE#: 00013-CL-0984**  
**VIOLATION DATE: 1/31/2021**  
**HEARD: 3/16/2021**

Seaside Club of Plymouth, Inc (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 hearing on Tuesday, March 16, 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. 57 (Dec. 8, 2020);
- 4) 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 above-mentioned occurred on January 31, 2021 according to Investigator Binienda's report.

The following documents are in evidence:

1. Investigator Binienda's Report;
2. ABCC License Approval, 12/12/1963;
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. 57, 12/8/2020;
6. Massachusetts Executive COVID-19 Order No. 58, 12/8/2020;

7. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 1/22/2021;
8. Massachusetts Sector Specific Workplace Safety Standards for Arcades and Other Indoor and Outdoor Game and Recreation Businesses to Address COVID-19, 1/22/2021;
9. ABCC Enforcement Memorandum, 3/4/2021.

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

#### FINDINGS OF FACT

1. On Sunday, January 31, 2021, at approximately 1:55 p.m., Investigator Binienda ("Investigator") conducted an investigation of Seaside Club of Plymouth, Inc. to determine the manner in which its business was being conducted, to ensure compliance with Massachusetts Governor Charles Baker's Executive COVID-19 Orders, and to investigate a complaint filed with this Commission. (Testimony, Exhibit 1)
2. Investigator Binienda entered the licensed premises and observed the bartender, later identified as David Loring, standing behind the bar without a facial covering. Id.
3. The Investigator observed an individual standing by the bar in possession of an alcoholic beverage and without any facial covering. Id.
4. Investigator Binienda identified himself to Mr. Loring, made him aware of his observations and reviewed the COVID guidelines and Sector Specific Safety Standards with him. Id.
5. Investigator Binienda provided his contact information for Mr. Loring to share with the manager if there were any questions. Id.
6. Investigator Binienda informed Mr. Loring of the violations and that a report would be filed with the Chief Investigator for further review. Id.
7. Eric Cirigliano, Manager of Record, and Edward Santos, Club President, attended the Commission hearing. Mr. Cirigliano testified that all employees have been advised they are required to wear a mask; members have also been advised masks are required to be worn when not seated. He acknowledged more could be done to ensure that members are wearing masks when seated and not in the act of eating and drinking. Mr. Cirigliano testified that they strive to do their best to abide by the rules. (Testimony)
8. The Licensee has held a license under M.G.L. c. 138, § 12 since 2016 with no prior violations.

#### DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm'n, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was “enacted ... to serve the public need and ... to protect the common good.” M.G.L. c. 138, § 23. “[T]he purpose of discipline is not retribution, but the protection of the public.” Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given “comprehensive powers of supervision over licensees.” Connolly, 334 Mass. at 617.

The Licensee is charged with a violation of 204 CMR 2.05 (2). “No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises.” 204 CMR 2.05 (2). More specifically the Licensee is charged with 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;

Massachusetts Executive COVID-19 Order No. 40 (June 19, 2020) - Violation of sector specific workplace safety standards for restaurants to address COVID-19;

Violation of Massachusetts Executive COVID-19 Order No. 57 (December 8, 2020);

Violation of Massachusetts Executive COVID-19 Order No. 58 (December 8, 2020) – Failure to comply with rules applicable to Step 1 Phase III of the Re-Opening Plan.

The Executive COVID-19 Orders require adherence to all Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19 (January 22, 2021) including:

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;

All customers must be seated.

Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19 (January 22, 2021)

Direct evidence was presented through the testimony of Investigator Binienda as to an employee failing to wear a mask and a patron standing in the premise at the bar without any facial covering. The Licensee acknowledged the Club could do a better job of ensuring all patrons are wearing masks unless in the actual act of eating and drinking.

The Commission is persuaded by the evidence that a violation of 204 CMR 2.05(2) to wit Massachusetts Executive COVID-19 Orders 37, 40, 57, and 58 did occur.

## 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. 57 (Dec. 8, 2020);
- 4) 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 Seaside Club of Plymouth, Inc. **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.

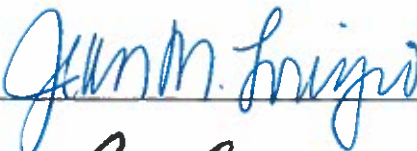
Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards (“DLS”) as to a reopening plan. The Licensee must submit to the DLS a COVID Control Plan to reopen (see link here: <https://www.mass.gov/doc/sector-specific-workplace-safety-standards-for-restaurants-to-address-covid-19-030121/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**

Deborah A. Baglio, Commissioner



Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: March 18, 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.

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  
Jamie Binienda, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Administration, File