

*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 8, 2020

**YOUNG AMERICAN CLUB INC.  
4 OCEAN VIEW AVENUE  
PLYMOUTH, MA 02360  
LICENSE#: 00023-CL-0984  
VIOLATION DATE: 10/28/2020  
HEARD: 11/17/2020**

After a hearing on November 17, 2020, the Commission finds Young American Club 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: Violation of Mass. Exec. COVID-19 Order No. 52 (September 29, 2020).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Young American Club Inc. **effective forthwith** until further written order of the Commission.

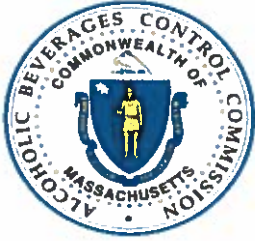
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio  
Chairman

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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  
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**

**YOUNG AMERICAN CLUB INC.  
4 OCEAN VIEW AVENUE  
PLYMOUTH, MA 02360  
LICENSE#: 00023-CL-0984  
VIOLATION DATE: 10/28/2020  
HEARD: 11/17/2020**

Young American Club 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 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 Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Report;
2. Licensee Stipulation of Facts;
3. Copy of New License Approval, 12/12/1963;
4. ABCC Decision, 10/8/2015;
5. ABCC Decision, 12/22/2015;
6. Massachusetts Executive COVID-19 Order No. 37;
7. Massachusetts Executive COVID-19 Order No. 40;
8. Massachusetts Executive COVID-19 Order No. 52;

9. Massachusetts COVID-19 Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 10/1/2020;
10. ABCC Enforcement Memorandum, 11/16/2020.

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

#### FINDINGS OF FACT

1. On Wednesday, October 28, 2020, at approximately 7:50 p.m., Investigators Carey and Binienda ("Investigators") conducted an investigation of Young American Club Inc. 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 bartender, Michael Pimental, without any facial covering, behind the bar.
3. Investigators observed approximately 25-35 patrons without any facial coverings who were sitting, standing, and walking around the club. Patrons were not observing social distancing requirements. Several patrons were standing close together while talking and consuming alcoholic beverages.
4. Investigators observed several patrons, standing and seated, consuming alcoholic beverages with no indication of food service.
5. Investigators spoke with Mr. Pimental. Investigators stated to Mr. Pimental, "is it fair to say that you're not following the COVID regulations right now?" Mr. Pimental stated, "Yes, that's fair to say."
6. Investigators reviewed the COVID-19 guidelines and Sector Specific Safety Standards for Restaurants with Mr. Pimental. Investigators reminded him that the Licensee is required to adhere to the COVID-19 Orders and safety standards and responsible for keeping abreast of any updates to the requirements
7. Investigators advised Mr. Pimental of the violations and that a report would be filed with the Chief Investigator for further action.
8. The day following the inspection, Sean McKenna, Manager, contacted Investigator Carey via telephone. He apologized and explained some of the circumstances of the night of the incident.
9. Mr. McKenna and Thomas Pinto, Club President, attended the Commission hearing.
10. Mr. McKenna testified and acknowledged the violations. He stated that the night of the inspection was the club's 1<sup>st</sup> meeting in 7 months. He stated that it is a tradition to order out for food for meeting nights and that is what occurred in this situation. He testified that on any other day, food is prepared on site.
11. The Licensee has held a license under M.G.L. c. 138, § 12 since 1963.

## 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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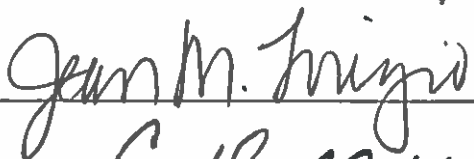
The Commission hereby **INDEFINITELY SUSPENDS** the license of Young American Club Inc. **effective forthwith** until further written order of the Commission.


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/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](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: December 8, 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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