



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

October 6, 2020

PATRIOT CIVIC CLUB INC. D/B/A PATRIOT CIVIC CLUB
93 PATRIOT PARKWAY
REVERE, MA 02151
LICENSE#: 00118-CL-1022
VIOLATION DATE: 8/28/2020
HEARD: 9/16/2020

After a hearing on September 16, 2020, the Commission finds Patriot Civic Club Inc. d/b/a Patriot Civic 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 Massachusetts Executive COVID-19 Order No. 46 (August 7, 2020).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Patriot Civic Club Inc. d/b/a Patriot Civic 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
Brian Gould, Investigator
Katelyn Quinn, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File



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

DECISION

**PATRIOT CIVIC CLUB INC. D/B/A PATRIOT CIVIC CLUB
93 PATRIOT PARKWAY
REVERE, MA 02151
LICENSE#: 00118-CL-1022
VIOLATION DATE: 8/28/2020
HEARD: 9/16/2020**

Patriot Civic Club Inc. d/b/a Patriot Civic Club (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a hearing on Wednesday, September 16, 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; and
- 3) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Massachusetts Executive COVID-19 Order No. 46 (August 7, 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 License Approval, 8/14/2009;
4. ABCC Decision 7/10/2013;
5. Massachusetts Executive COVID-19 Order No. 37;
6. Massachusetts Executive COVID-19 Order No. 40;
7. Massachusetts Executive COVID-19 Order No. 46;

8. Massachusetts COVID-19 Specific Workplace Safety Standards for Restaurants to Address COVID-19, 8/10/2020;
9. ABCC Enforcement Memorandum, 9/16/2020.

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

FINDINGS OF FACT

1. On Friday, August 28, 2020, at approximately 9:30 p.m., Investigators Gould, Quinn, and Keefe ("Investigators") conducted an investigation of Patriot Civic Club Inc. d/b/a Patriot Civic 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. Investigators entered the licensed premises and observed two (2) male individuals seated at the bar and another male patron standing at the bar. None of these individuals were wearing a facial covering, and none maintained social distancing.
3. Investigators observed that the male bartender on duty, later identified as Frankie Lyons, was also not wearing any facial covering. Investigators did not observe any food present in the bar area.
4. Investigators identified themselves to Mr. Lyons who gave them the telephone number for the Manager and Head Trustee, William Hetherton.
5. Investigators spoke to Mr. Hetherton via telephone, advised him of the violations and that a report would be filed with the Chief Investigator for further action.
6. Mr. Hetherton told Investigators that Frankie was not following the protocols he put forth and that he would take corrective measures to make sure this did not happen again.
7. Mr. Hetherton appeared at the Commission hearing and testified that the establishment currently operated from noon to 10:30 P.M. daily. He informed the Commission that lunch is served beginning at noon and that food is available at all times. Mr. Hetherton stated that Mr. Lyons was getting ready to close for the night and should have known better than to allow masks to be removed before leaving the building.
8. In addition, Mr. Hetherton testified that there is a sign on the door which states that masks must be worn by all entering the licensed premises.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2009 with one prior violation.

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: Violation of Massachusetts Executive COVID-19 Order No. 46 (August 7, 2020).

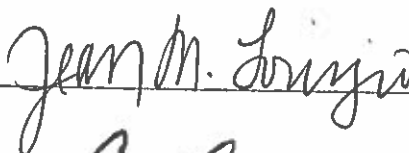
The Commission hereby **INDEFINITELY SUSPENDS** the license of Patriot Civic Club Inc. d/b/a Patriot Civic Club **effective forthwith** until further written order of the Commission.

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

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: October 6, 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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