



*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

November 12, 2020

**SANTILLAN INC. D/B/A CASA VALLARTA
114 BROADWAY B
SAUGUS, MA 01906
LICENSE#: 00010-RS-1078
VIOLATION DATE: 9/25/2020
HEARD: 10/20/2020**

After a hearing on October 20, 2020, the Commission finds Santillan Inc. d/b/a Casa Vallarta 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);
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: C. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. (4 Counts).

On the first – third violations, 204 CMR 2.05 (2), to wit: Massachusetts Executive COVID-19 Orders No. 37, No. 40, and No. 46, the Commission **INDEFINITELY SUSPENDS** the license of Santillan Inc. d/b/a Casa Vallarta **effective forthwith** until further written order of the Commission.

On the fourth violation, 204 CMR 2.05(2) C. 138, § 34, (4 Counts), the Commission **SUSPENDS THE LICENSE FOR A PERIOD OF FOUR (4) DAYS WITH DATES OF SAID SUSPENSION TO BE DETERMINED BY THE COMMISSION UPON REINSTATEMENT OF THE LICENSE.**

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

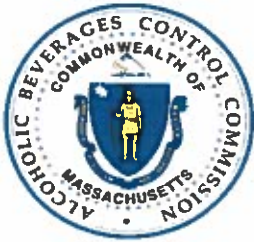


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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
David Bolcome, Investigator
Joseph Di Cicco, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File



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DECISION

**SANTILLAN INC. D/B/A CASA VALLARTA
114 BROADWAY B
SAUGUS, MA 01906
LICENSE#: 00010-RS-1078
VIOLATION DATE: 9/25/2020
HEARD: 10/20/2020**

Santillan Inc. d/b/a Casa Vallarta (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 Tuesday, October 20, 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 Massachusetts Executive COVID-19 Order No. 46 (August 7, 2020);
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: C. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. (4 Counts).

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Bolcome's Report.

The following documents are in evidence:

1. Investigator Bolcome's Report;
2. Licensee Stipulation of Facts;
3. Copy of License Transfer Approval, 3/23/2016;
4. ABCC Decision, 8/22/2017;

5. ABCC Decision, 9/27/2019;
6. Massachusetts Executive COVID-19 Order No. 37, June 6, 2020;
7. Massachusetts Executive COVID-19 Order No. 40, June 19, 2020;
8. Massachusetts Executive COVID-19 Order No. 46, August 7, 2020;
9. Massachusetts COVID-19 Specific Workplace Safety Standards for Restaurants to Address COVID-19, 8/10/2020;
10. ABCC Enforcement Memorandum, 10/20/2020.

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

FINDINGS OF FACT

1. On Friday, September 25, 2020, at approximately 9:30 p.m., Investigators Di Cicco and Bolcome ("Investigators") conducted an investigation of Santillan Inc. d/b/a Casa Vallarta 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. Investigator Bolcome entered the licensed premises and observed violations of the COVID-19 safety standards.

3. Investigator Bolcome also observed a table of youthful appearing individuals in possession of what appeared to be alcoholic beverages. Investigator Bolcome then contacted fellow Investigator Di Cicco and Chief Investigator Mahony to advise them of his observations.
4. Investigators entered the licensed premises and observed an individual without any facial covering in possession of a bottle of beer leaning against the bar and watching television and other individuals walking around the premises without facial coverings.
5. Investigators observed one table with twelve (12) youthful appearing individuals seated at the table, all in possession of what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
6. Four individuals seated at the table were determined by Investigators to be under the age of twenty-one (21) and in possession of alcoholic beverages.
7. Underage #1, (age 19), stated he did not have any identification and had not been drinking; however, Investigators observed him seated with a Bud Light bottle and a glass of amber colored liquid in his possession.
8. Underage #2, actual date of birth 4/01/2000 (age 20), provided Investigators with a false Massachusetts identification with the same name and address but date of birth of April 1, 1998. He was observed in possession of a bottle of Bud Light beer.
9. Underage #3, actual date of birth 11/30/1999 (age 20), was in possession of a bottle of Bud Light beer. He presented Investigators with a false Massachusetts driver's license with the same name and address but date of birth of November 30, 1997. He was observed in possession of alcoholic beverages and admitted he had been drinking a Bud Light bottle.
10. Underage #4, actual date of birth, 11/29/2000 (age 19), was observed in possession of alcoholic beverages and admitted to being in possession of a beer. He presented the

Investigators with a false New Jersey identification with a picture of a person who did not resemble him containing a different name and date of birth and an expired Massachusetts driver's license with a picture of a person who did not resemble him containing a different name and date of birth.

11. Investigators spoke with Isaias Barrera, the manager on duty, and informed him of the COVID-19 violations and the minors in possession of alcoholic beverages.
12. Later, the Licensee, Samael Alegria ("Mr. Alegria") contacted the Investigators. Investigators informed him of their observations. Mr. Alegria stated he had ordered an identification scanner but had not yet received it. Mr. Alegria later emailed Investigators a copy of the scanner's invoice, which was dated September 21, 2020.
13. Investigators advised Mr. Alegria of the violations and that a report would be filed with the Chief Investigator for further review.
14. Maria Delgadillo, manager of the licensed premises, appeared and testified before the Commission. Ms. Delgadillo stated waitstaff are instructed to inform customers they must wear masks unless seated, to ask customers for identification, and to make sure it is valid identification. She did indicate that staff will ask her or the assistant manager if they have any questions regarding the form of identification presented by the customer.
15. Carlos Turcios, a waiter at the licensed premises, also appeared and testified before the Commission. He stated that he had been working at the licensed premises for about a month and went through a class relating to service of alcoholic beverages. He served the table in question and testified before the Commission that he did check identification; however, since he was new, he was not sure about the difference between a real and false identification. At the time, the restaurant did not have a scanner.
16. Mr. Alegria appeared and testified before the Commission. He left the licensed premises prior to the Investigators arriving. He stated that he did see the party at the table prior to leaving, but it was a table of six at the time. Mr. Alegria indicated he does require customers to wear masks, and also trains employees in the service of alcohol. Mr. Alegria recently purchased an identification scanner which the restaurant is now using.
17. The Licensee has held a license under M.G.L. c. 138, § 12 since 2016 with two 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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On the first – third violations, 204 CMR 2.05 (2): Massachusetts Executive COVID-19 Orders No. 37, No. 40, and No. 46, the Commission hereby **INDEFINITELY SUSPENDS** the license of Santillan Inc. d/b/a Casa Vallarta **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.

On the fourth violation, 204 CMR 2.05(2) C. 138, § 34 (4 Counts), the Commission **SUSPENDS THE LICENSE FOR A PERIOD OF FOUR (4) DAYS WITH DATES OF SUSPENSION TO BE DETERMINED BY THE COMMISSION UPON REINSTATEMENT OF THE LICENSE AS PROVIDED ABOVE.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner Deborah A. Baglio

Jean M. Lorizio, Chairman Jean M. Lorizio

Crystal Matthews, Commissioner Crystal Matthews

November 12, 2020

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