



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

Jean M. Lorizio, Esq.
Chairman

MEMORANDUM AND ORDER ON LICENSEE'S
REQUEST FOR RECONSIDERATION

SANTILLAN INC. D/B/A CASA VALLARTA
114 BROADWAY B
SAUGUS, MA 01906
LICENSE#: 00010-RS-1078

Santillan Inc. d/b/a Casa Vallarta (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "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).

By decision dated November 12, 2020 the Commission found the Licensee in violation of the charges and indefinitely suspended the License effective forthwith until further written order from this Commission.

The Commission stated that it would consider issuing a further order upon written request of the Licensee showing good cause to reconsider this indefinite suspension. Good cause for the Commission would include, but not be limited to, the Licensee's receiving approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan.

On November 30, 2020, the Licensee submitted a written request to reconsider the indefinite suspension. On November 30, 2020, the Commission received the letter of approval from Massachusetts Department of Labor Standards ("DLS").

CONCLUSION

Based on the evidence presented, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of Santillan Inc. d/b/a Casa Vallarta **effective forthwith**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner _____ *Deborah A. Baglio*

Jean M. Lorizio, Chairman _____ *Jean M. Lorizio*

Crystal Matthews, Commissioner _____ *Crystal Matthews*

Dated: December 2, 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.

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
David Bolcome, Investigator
Joseph Di Cicco, Investigator
Michael Flanagan, Dept. of Labor Standards
Lauren R. Frisch, Esq.
Administration, File



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ROSALIN ACOSTA
SECRETARY

MICHAEL FLANAGAN
DIRECTOR

November 30, 2020

Alcohol and Beverage Control Commission
95 Fourth Street
Chelsea, MA 02150-2358
phathaway@tre.state.ma.us

RE: ABCC License # 00010-RS-1078
Santillan D/B/A Casa Vallarta
114 Broadway B
Saugus, MA 01906
21C-2520

The Department of Labor Standards (DLS) has reviewed the written COVID-19 Control Plan from the **Santillan D/B/A Casa Vallarta at 114 Broadway B Saugus, Ma 01906** and verified plan implementation through photos provided by the owner.

The Department of Labor Standards has determined the business' COVID-19 Control Plan to be satisfactory according to COVID-19 Orders No. 33, 37 or 43.

Sincerely,

Mary Dozois

Mary Dozois CIH CSP
Supervisor, Workplace Safety & Health Program
MA Department of Labor Standards
72 School Street, Taunton, MA 02780
617-626-5987 and mary.dozois@mass.gov

Hathaway, Patricia (TRE)

From: Lauren Frisch <LFrisch@orsonandbrusini.com>
Sent: Monday, November 30, 2020 12:21 PM
To: Hathaway, Patricia (TRE)
Cc: Gill, Kyle E. (TRE)
Subject: Santillan, Inc.: Motion for Reconsideration & Copy of Offer in Compromise
Attachments: 11. Offer in Compromise and Check (Santillian) (11-30-2020).pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Patricia,

In connection with Licensee's violation of 204 CMR 2.05 (2), to wit, Massachusetts Executive COVID-19 Orders No. 37, 40, and 46, I was just informed by Evan Marshall of the Department of Labor Standards ("DLS") that the DLS has completed its review of Licensee. Please accept this email as a formal Motion for Reconsideration on behalf of Licensee. Following receipt of the ABCC Decision, dated November 12, 2020: (a) Licensee completed a COVID-19 Control Plan; (b) submitted the COVID-19 Control Plan to DLS; (c) the COVID-19 Control Plan was reviewed and approved by DLS; (c) DLS reserved ABCC's right to perform a site inspection; and (d) Licensee is now petitioning ABCC to reinstate its indefinite suspension and wishes to reopen and operate in compliance with all Massachusetts Executive COVID-19 Orders, including but not limited to COVID-19 Order Nos. 33, 37, 40, and 43, and the Restaurant Sector Specific Standards.

In addition, attached please find a courtesy copy of the Offer in Compromise in Lieu of Suspension that was hand-delivered to the ABCC today related to Santillan, Inc.'s (d/b/a Casa Vallarta) ("Licensee"), in connection with Licensee's violation of 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).

Please let me know if you have any questions or if you need any additional information. I would also appreciate you letting me know the next steps so I may inform the Licensee.

Thank you for your assistance,
Lauren

Lauren R. Frisch, Esq.
Orson and Brusini Ltd.
144 Wayland Avenue
Providence, RI 02906
(401) 223-2100 (main)
(401) 861-0338 (direct)
(401) 861-3103 (fax)
lfrisch@orsonandbrusini.com
www.orsonandbrusini.com

Orson and Brusini Ltd.
Outside, In-House Counsel to Business and Business Owners

CONFIDENTIALITY NOTICE: *Unauthorized interception of this communication may be a violation of law. This message and any accompanying attachments contain confidential information belonging to the sender that is or may be legally privileged. The information is only for the use of the intended recipient. Any unauthorized disclosure, use, or distribution of this communication is prohibited. If you receive this communication in error, please inform the sender and delete any record of this communication.*