



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

September 24, 2020

BILLDAN ALE HOUSE LLC D/B/A IRISH ALE HOUSE
536 WORTHINGTON STREET
SPRINGFIELD, MA 01105
LICENSE#: 05437-RS-1226
VIOLATION DATE: 8/27/2020
HEARD: 9/15/2020

After a hearing on September 15, 2020, the Commission finds Billdan Ale House LLC d/b/a Irish Ale House 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 Billdan Ale House LLC d/b/a Irish Ale House **effective forthwith** until further written order of the Commission.

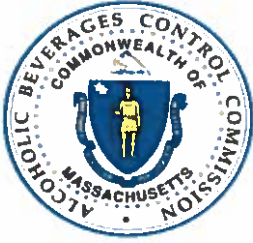
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

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
David Bolcome, Investigator
Joseph Di Cicco, Investigator
Katelyn Quinn, 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

**BILLDAN ALE HOUSE LLC D/B/A IRISH ALE HOUSE
536 WORTHINGTON STREET
SPRINGFIELD, MA 01105
LICENSE#: 05437-RS-1226
VIOLATION DATE: 8/27/2020
HEARD: 9/15/2020**

Billdan Ale House LLC d/b/a Irish Ale House (the "Licensee" or "Irish Ale House") 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, September 15, 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).

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, 2/7/2020;
4. LLA Certificate of Approval, 1/27/2020;
5. Addendum to Investigator Bolcome's Report;
6. ABCC Enforcement Division's Notice of Warning, 8/24/2020;
7. Investigators Temple & Gould's Report, 8/22/2020;
8. Investigator Keefe's Report, 9/10/2020;
9. Photographs (2) of Interior of Licensed Premises, 9/10/2020;

10. Massachusetts Executive COVID-19 Order No. 37;
11. Massachusetts Executive COVID-19 Order No. 40;
12. Massachusetts Executive COVID-19 Order No. 46;
13. Massachusetts COVID-19 Sector Specific Workplace Safety Standards, 8/10/2020;
14. ABCC Enforcement Memorandum, 9/15/2020.

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

FINDINGS OF FACT

1. On Thursday, August 27, 2020, Investigators Di Cicco, Quinn, and Bolcome ("Investigators") conducted an investigation of Billdan Ale House LLC d/b/a Irish Ale House ("Licensee" or "Irish Ale House") 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. At approximately 8:15 p.m., Investigators approached the Irish Ale House. From outside they were able to observe that several patrons seemed to be seated at the bar. Investigators entered the licensed premises and confirmed that several individuals were seated at the bar and were consuming alcoholic beverages in violation of Governor Baker's Executive Orders for COVID safety standards.
3. Investigators observed one male customer leaning against the bar, attempting to place an order for an alcoholic beverage directly with the bartender.
4. Investigators observed approximately 10 patrons in the bar area and one bartender. Investigators did not observe any other servers.
5. Investigators observed that most customers did not have any food with their alcoholic beverages, although Investigators overheard one patron placing a food order with the bartender.
6. Investigators spoke to the bartender on duty, later identified as Katie, and asked to speak with the manager. Katie stated that the owners were not present, but she could talk to Investigators.
7. Investigators asked Katie why bar service was being permitted on the premises. Katie stated that because there were plexiglass barriers hanging above the bar in front of the customers, she thought that bar service was allowed.
8. Katie stated to Investigators that the owners could provide better answers to their questions. Investigator Bolcome gave his business card to Katie and asked that the owners contact him.
9. Investigators advised Katie of the violations and that a report would be filed with the Chief Investigator for further action.
10. On September 2, 2020, Investigator Bolcome received a phone call from Daniel Dineen, the Licensee. Mr. Dineen informed Investigator Bolcome that he was doing the best he could to comply with the COVID-19 Safety Standards.

11. Mr. Dineen informed Investigator Bolcome he was aware that installing Plexiglas at the bar was being allowed in other states so he thought it would be a sufficient protective measure at his licensed premise.
12. Mr. Dineen appeared at the Commission hearing and testified that he was trying to follow the guidelines. He added that he attempted to follow the guidelines by placing tables against his bar but was having trouble finding the proper sized tables. He reiterated to the Commission his belief that because Plexiglas as a protective barrier at the bar was allowed in other states, he thought it would soon be sufficient at his licensed premise.
13. The Licensee has held a license under M.G.L. c. 138, § 12 since 2020 with no 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;
- 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 Billdan Ale House LLC d/b/a Irish Ale House **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 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

Jean M. Lorizio

Deborah A. Baglio, Commissioner

Deborah A. Baglio

Crystal Matthews, Commissioner

Crystal Matthews

Dated: September 24, 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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