

*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 13, 2020

**BOULEVARD TAVERN INC. D/B/A RORY FITZGERALD'S
664-666 PAGE BLVD.
SPRINGFIELD, MA 01104
LICENSE#: 00107-RS-1226
VIOLATION DATE: 8/27/2020
HEARD: 9/30/2020**

After a hearing on September 30, 2020, the Commission finds Boulevard Tavern Inc. d/b/a Rory Fitzgerald's 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 Boulevard Tavern Inc. d/b/a Rory Fitzgerald's **effective forthwith** until further written order of the Commission.

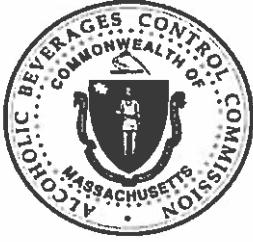
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

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
Katelyn Quinn, Investigator
David Bolcome, Investigator
Joseph Di Cicco, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File



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DECISION

**BOULEVARD TAVERN INC. D/B/A RORY FITZGERALD'S
664-666 PAGE BLVD.
SPRINGFIELD, MA 01104
LICENSE#: 00107-RS-1226
VIOLATION DATE: 8/27/2020
HEARD: 9/30/2020**

Boulevard Tavern Inc. d/b/a Rory Fitzgerald's (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 30, 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 Quinn's Report.

The following documents are in evidence:

1. Investigator Quinn's Report;
2. Licensee Stipulation of Facts;
3. Copy of License Transfer Approval, 1/13/2004;
4. Massachusetts Executive COVID-19 Order No. 37;
5. Massachusetts Executive COVID-19 Order No. 40;
6. Massachusetts Executive COVID-19 Order No. 46;
7. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 8/10/2020; and

8. ABCC Enforcement Memorandum, 9/30/2020.

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

FINDINGS OF FACT

1. On Thursday, August 27, 2020, at approximately 8:30 p.m., Investigators Bolcome, Di Cicco, and Quinn ("Investigators") conducted an investigation of Boulevard Tavern Inc. d/b/a Rory Fitzgerald's 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. While outside the licensed premises, Investigators observed that the windows of the establishment were obstructed by large closed wooden blinds, the neon lights were off, and the door had been covered. Investigators observed that lights were on inside the premises and they could see patrons drinking at the bar.
3. Upon entering by the side door of the establishment, Investigators observed patrons, without facial covering, playing darts. Other patrons without facial covering were observed walking around the establishment and standing at the bar. Investigators observed the owner, Arthur Efantis, without a facial covering standing at the bar and socializing with patrons.
4. Investigators observed patrons seated at tables adjacent to the bar. Almost all of said patrons had a paper plate in front of them with a hot dog in a bun. There appeared to be approximately 10 to 20 individuals inside the licensed premises; however, Investigators did not establish an exact count.
5. Investigators spoke with Mr. Efantis, the Licensee, about their observations. Mr. Efantis stated that he was not aware that patrons had to wear a facial covering whenever they were not seated at a table.
6. Investigators advised Mr. Efantis to review the guidelines and to take immediate corrective action.
7. Investigators advised Mr. Efantis of the violations and that a report would be filed with the Chief Investigator for review.
8. Mr. Efantis appeared at the Commission hearing and testified that since the incident all employees have been retrained regarding the COVID-19 guidelines and restrictions. He stated that all people on premises are now required to wear masks, other than when seated to dine.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2004.

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 Boulevard Tavern Inc. d/b/a Rory Fitzgerald's **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.

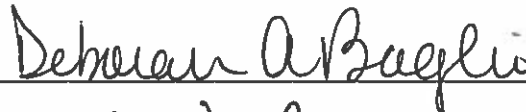
Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan. The Licensee must submit to the 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

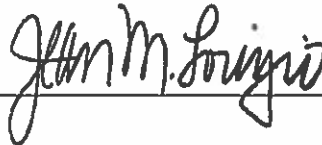
Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Jean M. Lorizio, Chairman



Dated: October 13, 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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