

*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 8, 2020

**MARDI GRAS ENTERTAINMENT INC. D/B/A MARDI GRAS  
87 DWIGHT STREET  
SPRINGFIELD, MA 01103  
LICENSE#: 00140-RS-1226  
VIOLATION DATE: 8/22/2020  
HEARD: 9/23/2020**

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After a hearing on September 23, 2020, the Commission finds Mardi Gras Entertainment Inc. d/b/a Mardi Gras 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 Mardi Gras Entertainment Inc. d/b/a Mardi Gras **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**

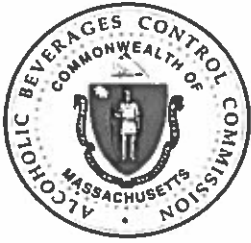
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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Brian Gould, Investigator  

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Christopher Temple, Investigator  
Daniel Kelly, Esq. via email  
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**

**MARDI GRAS ENTERTAINMENT INC. D/B/A MARDI GRAS  
87 DWIGHT STREET  
SPRINGFIELD, MA 01103  
LICENSE#: 00140-RS-1226**

**VIOLATION DATE: 8/22/2020  
HEARD: 9/23/2020**

Mardi Gras Entertainment Inc. d/b/a Mardi Gras (the "Licensee") holds an 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 23, 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 Gould's Report.

The following documents are in evidence:

1. Investigator Gould's Report;
2. Copy of License Transfer Approval, 6/8/1989;
3. ABCC Decision, 10/23/1990;
4. ABCC Decision, 6/13/1997;
5. ABCC Decision, 10/14/1998;
6. ABCC Decision, 1/21/1999;
7. ABCC Decision, 1/23/2002;

8. ABCC Decision, 6/11/2002;
9. ABCC Decision, 2/10/2003;
10. ABCC Decision, 10/6/2010;
11. ABCC Decision, 2/14/2012;
12. Massachusetts Executive COVID-19 Order No. 37;
13. Massachusetts Executive COVID-19 Order No. 40;
14. Massachusetts Executive COVID-19 Order No. 46;
15. Massachusetts COVID-19 Sector Specific Workplace Safety Standards, 8/10/2020;
16. ABCC Enforcement Memorandum, 9/22/2020; and
17. Licensee's Stipulation of Facts.

- A. Licensee's Sanitation Checklist and Temperature Screening List, 9/1/2020 through 9/10/2020;
- B. Employee signed Mardi Gras Protocols;
- C. Licensee's Cleaning and Disinfecting Protocols;
- D. Noval Disinfectant Information Sheets;
- E. Photos of Restaurant Signage and Layout; and
- F. 350 Grill Steakhouse Menu.

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

#### FINDINGS OF FACT

1. On Saturday, August 22, 2020, at approximately 9:00 p.m., Investigators Temple and Gould ("Investigators") conducted an investigation of Mardi Gras Entertainment Inc. d/b/a Mardi Gras ("Licensee") 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 spoke to Rob Falso, assistant manager. Mr. Falso brought the Investigators to the second floor of the establishment where they observed several patrons without facial coverings, seated and standing in close proximity at the bar, and in the bar area. Some people showed no indication of receiving any food service.
3. Investigators observed two females without any facial coverings, providing a lap dance to two male individuals who were seated on couches within the bar area. When Investigators questioned Mr. Falso, he stated, "that should not be happening."
4. Investigators also observed patrons without facial coverings walking throughout the bar area.
5. Investigators spoke to managers Matt Hubeny and Sherri Via about their observations which did not comply with Governor Baker's Sector Specific Workplace Safety Standards. The Safety Standards state that restaurants are not allowed to seat customers at a bar, and all customers must be seated. In addition, restaurants must require facial coverings for all customers and employees at all times and ensure a separation of 6-feet or more between all individuals.

6. Investigators advised the managers that a report of their findings would be filed with the Chief Investigator for review.
  7. Counsel for the Licensee appeared at the Commission hearing and stated that everyone entering the licensed premise is required to order food and that all present on the night of the inspection had ordered food. He added that some of them had already finished eating, some were in the midst of eating and others were waiting for food to be served.
  8. Counsel for the Licensee informed the Commission that since this incident, a team meeting was held with all employees and each of them was required to review and sign the Licensee's Protocols as to operating in compliance with Governor Baker's COVID-19 Orders. He stated that the protocols had been in place since the establishment reopened. In addition, the Licensee obtained signs from the Commonwealth of Massachusetts' website regarding social distancing, wearing masks and other safety precautions implemented in light of COVID-19. He stated that signs were rehung throughout the establishment.
  9. The Licensee has held a license under M.G.L. c. 138, § 12 since 1989 with several prior violations.
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### 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 Mardi Gras Entertainment Inc. d/b/a Mardi Gras **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](mailto:michael.flanagan@mass.gov)) and Mary Dozois ([mary.dozois@mass.gov](mailto:mary.dozois@mass.gov)) requesting review and approval.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner Deborah A. Baglio

Crystal Matthews, Commissioner Crystal Matthews

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: October 8, 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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Christopher Temple, Investigator  
Daniel Kelly, Esq. via email  
Michael Flanagan, Dept. of Labor Standards  
Administration, File