



*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**

December 14, 2020

**SARNO ENTERPRISES INC. D/B/A X PUB  
520 SUMNER AVENUE  
SPRINGFIELD, MA 01108  
LICENSE#: 00254-RS-1226  
VIOLATION DATE: 11/05/2020  
HEARD: 12/08/2020**

After a hearing on December 8, 2020, the Commission finds Sarno Enterprises Inc. d/b/a X Pub 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 Mass. Exec. COVID-19 Order No. 52 (September 29, 2020).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Sarno Enterprises, Inc. d/b/a/ X Pub **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  
Dennis Keefe, Investigator  
Brian Gould, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Administration, File



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*Chairman*

**DECISION**

**SARNO ENTERPRISES INC. D/B/A X PUB  
520 SUMNER AVENUE  
SPRINGFIELD, MA 01108  
LICENSE#: 00254-RS-1226  
VIOLATION DATE: 11/05/2020  
HEARD: 12/08/2020**

Sarno Enterprises Inc. d/b/a X Pub (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 remote hearing via Microsoft Teams on Tuesday, December 8, 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 Mass. Exec. COVID-19 Order No. 52 (September 29, 2020).

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

The following documents are in evidence:

1. Investigator Keefe's Report;
2. Licensee Stipulation of Facts;
3. Copy of Form 43 Approval, 8/10/2000;
4. Massachusetts Executive COVID-19 Order No. 37;
5. Massachusetts Executive COVID-19 Order No. 40;
6. Massachusetts Executive COVID-19 Order No. 52;
7. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 10/01/2020;
8. ABCC Enforcement Memorandum, 12/7/2020;
9. ABCC Decision, 1/14/2008;

10. ABCC Decision, 7/30/2013.

- A. Licensee's COVID-19 Control Plan;
- B. (3) Photos of Interior Licensed Premises with signs.

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

#### FINDINGS OF FACT

1. On Thursday, November 5, 2020, at approximately 10:05 p.m., Investigators Gould and Keefe ("Investigators") conducted an investigation of Sarno Enterprises Inc. d/b/a X Pub 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. When Investigators attempted to enter the establishment, they found that the front door of the premises was locked. However, through the windows, Investigators clearly observed multiple individuals without any facial coverings, standing and seated at the bar.
  3. Investigators walked to the back of the building and entered the licensed premises through the back entrance.
  4. Investigators observed that the bartender on duty, Ron Cassesse, was not wearing a facial covering.
  5. Investigators observed two (2) male individuals standing at the bar without any facial coverings, in possession of alcoholic beverages. Another four (4) patrons were seated directly at the bar and a female patron without any facial covering was standing next to them.
  6. Investigators observed there was no barrier between the seats at the bar and the service area behind the bar to separate employees from patrons.
  7. Investigators informed Mr. Cassesse of their observations and reviewed the COVID-19 guidelines and Sector Specific Safety Standards for Restaurants with him.
  8. Investigators advised Mr. Cassesse of the violations and that a report would be filed with the Chief Investigator for further review.
  9. Mr. Genaro Sarno, license manager, attended the Commission hearing. Mr. Sarno testified and acknowledged the violations. Mr. Sarno explained that he had previously removed all seats from the bar but on the night of the incident his bartender allowed a few people to pull stools up to the bar. Mr. Sarno stated he has since installed Plexiglas along the entire bar and posted COVID-19 signs throughout the interior of the premises.
  10. The Licensee has held a license under M.G.L. c. 138, § 12 since 2000.
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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;
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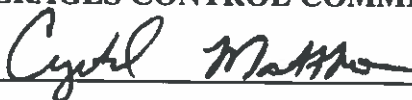
The Commission hereby **INDEFINITELY SUSPENDS** the license of Sarno Enterprises Inc. d/b/a X Pub **effective forthwith** until further written order of the Commission.

The Commission will not issue any further order without a written request from the licensee showing good cause to reconsider this indefinite suspension.

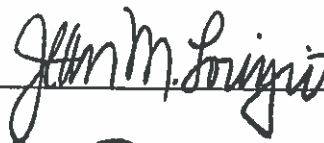
Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan. The Licensee must submit to the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

Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Dated: December 14, 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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