



*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

May 18, 2021

**IMPROVED ORDER OF REDMEN WAMSCOTT TRIBE# 39
11 FRANKLIN STREET
STONEHAM, MA 02180
LICENSE#: 00014-CL-1242
VIOLATION DATE: 1/21/2021
HEARD: 3/09/2021**

After a hearing on March 9, 2021, the Commission finds Improved Order of Redmen Wamscott Tribe# 39 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: Mass. Exec. COVID-19 Order No. 58 (Dec. 8, 2020) – Failure to comply with rules applicable to Step I of Phase III of the Re-Opening Plan.

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Improved Order of Redmen Wamscott Tribe #39 **effective May 29, 2021** until further written order of the Commission.

The suspension shall commence on Saturday, May 29, 2021. The license will be delivered to the Local Licensing Board or its designee on **Saturday, May 29, 2021** at 9:00 A.M.

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
Joseph Di Cicco, Investigator
Sgt. Christopher Apalak, Stoneham Police Department
Michael Flanagan, Dept. of Labor Standards
Administration, File



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DECISION

**IMPROVED ORDER OF REDMEN WAMSCOTT TRIBE# 39
11 FRANKLIN STREET
STONEHAM, MA 02180
LICENSE#: 00014-CL-1242
VIOLATION DATE: 1/21/2021
HEARD: 3/09/2021**

Improved Order of Redmen Wamscott Tribe# 39 (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, March 9, 2021, 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: Mass. Exec. COVID-19 Order No. 58 (Dec. 8, 2020) – Failure to comply with rules applicable to Step 1 of Phase III of the Re-Opening Plan.

Prior to the commencement of the hearing the Licensee stipulated to the facts in Investigator Di Cicco's report.

The following documents are in evidence:

1. Investigator Di Cicco's Report;
2. Copy of License Approval, 5/18/1971;
3. Massachusetts Executive COVID-19 Order No. 37, 6/6/2020;
4. Massachusetts Executive COVID-19 Order No. 40, 6/19/2020;
5. Massachusetts Executive COVID-19 Order No. 58, 12/8/2020;
6. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 12/11/2020;

7. ABCC Enforcement Memorandum, 3/3/2021;
8. ABCC Stipulation and Consent Order, 7/7/1998;
9. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, January 21, 2021, Investigator Di Cicco and Sergeant Christopher Apalakis of the Stoneham Police Department ("Investigators") conducted an investigation of Improved Order of Redmen Wamscott Tribe# 39 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. Upon entering the licensed premises, Investigators observed several tables occupied by individuals in possession of alcoholic beverages, individuals without any facial coverings standing or walking around the club, individuals without any facial coverings standing close to one another, and an individual without a facial covering standing and utilizing a jukebox. Investigators did not observe any indication of food service.
3. Investigators identified themselves to an individual, Kristie Barry, standing without any facial covering at the end of the bar. Ms. Barry later put on a facial covering. Investigators informed Ms. Barry of the multiple COVID guideline infractions they observed.
4. Investigators inquired about the absence of food service and Kristie stated that everyone is required to purchase \$1.00 nachos when they arrive. Kristie also showed Investigators a toaster oven behind the bar area and informed them that items such as burritos could also be ordered. Kristie stated to Investigators that the club had no kitchen.
5. Investigators informed Kristie of the written warning the club received as a result of a prior visit on November 4, 2020. when Investigators had observed multiple COVID guidelines infractions.
6. Kristie stated that she had been at the club during Investigators' prior visit on November 4, 2020. Investigators informed Kristie that a report would be filed with the Chief Investigator for review.
7. Theresa Hadley, owner, appeared at the Commission hearing and testified there was other food available on the night of the inspection, such as pizza, quahogs, and potato skins. She reviewed the video surveillance and agreed individuals were inside the licensed premise without facial coverings. She stated that the establishment is now closed and will not re-open until bars are allowed to do so.
8. The Licensee has held a license under M.G.L. c. 138, § 12 since 1971.

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: Mass. Exec. COVID-19 Order No. 58 (Dec. 8, 2020) – Failure to comply with rules applicable to Step 1 of Phase III of the Re-Opening Plan.

The Commission hereby **INDEFINITELY SUSPENDS** the license of Improved Order of Redmen Wamscott Tribe# 39 effective **May 29, 2021** 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.

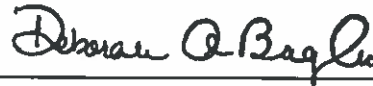
Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards (“DLS”) as to a reopening plan. The Licensee must submit to the DLS a COVID Control Plan to reopen (see link here: <https://www.mass.gov/doc/sector-specific-workplace-safety-standards-for-restaurants-to-address-covid-19-030121/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) 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: May 18, 2021

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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