



*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 15, 2020

**CLUB LUIZ DE CAMOES INC.
76 PORTER STREET
STOUGHTON, MA 02072
LICENSE#: 00008-CL-1244
VIOLATION DATE: 11/08/2020
HEARD: 12/09/2020**

After a hearing on December 9, 2020, the Commission finds Club Luiz De Camoes Inc. 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. 54 (Nov. 2, 2020);
- 4) 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: Mass. Exec. COVID- 19 Order No. 55 (Nov. 2, 2020) – Patron or employee failing to wear a mask or cloth face covering over their mouth and nose when in a public location.

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Club Luiz De Camoes Inc. **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
Nicole Smith, Investigator
Christopher Temple, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File



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DECISION

**CLUB LUIZ DE CAMOES INC.
76 PORTER STREET
STOUGHTON, MA 02072
LICENSE#: 00008-CL-1244
VIOLATION DATE: 11/08/2020
HEARD: 12/09/2020**

Club Luiz De Camoes Inc. (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 Wednesday, December 9, 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. 54 (Nov. 2, 2020);
- 4) 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: Mass. Exec. COVID- 19 Order No. 55 (Nov. 2, 2020) – Patron or employee failing to wear a mask or cloth face covering over their mouth and nose when in a public location.

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

The following documents are in evidence:

1. Investigator Smith's Report;
2. Licensee Stipulation of Facts;
3. Copy of Form 43 License Approval, 9/8/1970;
4. Massachusetts Executive COVID-19 Order No. 37;
5. Massachusetts Executive COVID-19 Order No. 40;
6. Massachusetts Executive COVID-19 Order No. 54;

7. Massachusetts Executive COVID-19 Order No. 55;
8. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 11/5/2020;
9. ABCC Enforcement Memorandum, 12/8/2020;
10. ABCC Decision, 10/7/1982.

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

FINDINGS OF FACT

1. On Sunday, November 8, 2020, at approximately 5:00 p.m., Investigators Temple and Smith ("Investigators") conducted an investigation of Club Luiz De Camoes Inc. 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 observed approximately seven (7) patrons consuming alcoholic beverages, with no indication of food service.
3. Investigators observed the bartender, Paul Pimintel, serving patrons with his facial covering pulled beneath his chin.
4. Investigators observed three (3) male patrons, without any facial coverings, standing and consuming alcoholic beverages.
5. Investigators identified themselves to Mr. Pimintel and requested to speak with the manager outdoors. Mr. Pimintel did not speak English and requested that a member of the club, John Figuerido, help translate their conversation.
6. Investigators observed Mr. Figuerido walk around the bar without any facial covering. Mr. Figuerido stated to Investigators he forgot his mask at home.
7. Investigators informed Mr. Figuerido of their observations. Mr. Figuerido provided Investigators with the contact information of the club president, Victor Vieira.
8. Investigator Temple contacted Mr. Vieira by telephone and informed him of Investigators' observations. Mr. Vieira told Investigator Temple that he would take corrective action to ensure that all staff wear a facial covering at all times and all patrons are seated and order food with alcoholic beverages.
9. Investigator Temple informed Mr. Vieira that a written violation report would be filed with the Chief Investigator for further review.
10. Mr. Vieira, representing the Licensee, attended the Commission hearing. He testified and acknowledged the violations. Mr. Vieira stated the club has taken steps to reinforce COVID-19 guidelines by ensuring employees and patrons are wearing masks, adding additional signage, and making sure patrons place a food order in conjunction with alcoholic beverage order.
11. The Licensee has held a license under M.G.L. c. 138, § 12 since 1970.

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;
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The Commission hereby **INDEFINITELY SUSPENDS** the license of Club Luiz De Camoes Inc. **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.

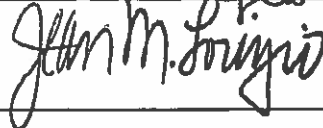
Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards (“DLS”) as to a reopening plan. The Licensee must submit to the 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) and Mary Dozois (mary.dozois@mass.gov) requesting review and approval.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner



Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: December 15, 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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