



*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**

February 9, 2021

**FRANKS GOOD TIMES INC. D/B/A FRANK'S GOOD TIMES  
381 WINTHROP STREET  
TAUNTON, MA 02780  
LICENSE#: 00054-RS-1264  
VIOLATION DATE: 11/11/2020  
HEARD: 1/19/2021**

After a hearing on January 19, 2021, the Commission finds Franks Good Times Inc. d/b/a Frank's Good Times 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 Franks Good Times Inc. d/b/a Frank's Good Times **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  
Christopher Temple, Investigator  
Lisa Watson, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Wayne A. Berube, Esq.  
Administration, File



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**FRANKS GOOD TIMES INC. D/B/A FRANK'S GOOD TIMES  
381 WINTHROP STREET  
TAUNTON, MA 02780  
LICENSE#: 00054-RS-1264  
VIOLATION DATE: 11/11/2020  
HEARD: 1/19/2021**

Franks Good Times Inc. d/b/a Frank's Good Times (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, January 19, 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: 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 Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Report;
2. Copy of New License Application Approval, 9/20/1979;
3. ABCC Decision, 3/18/1982;
4. ABCC Decision, 9/9/1983;
5. ABCC Decision, 12/31/2001;
6. Massachusetts Executive COVID-19 Order No. 37;

7. Massachusetts Executive COVID-19 Order No. 40;
8. Massachusetts Executive COVID-19 Order No. 54;
9. Massachusetts Executive COVID-19 Order No. 55;
10. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 11/5/2020;
11. ABCC Enforcement Memorandum, 1/14/2021;
12. Licensee Stipulation of Facts.

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

#### FINDINGS OF FACT

1. On Wednesday, November 11, 2020, at approximately 8:15 p.m., Investigators Watson and Temple ("Investigators") conducted an investigation of Franks Good Times Inc. d/b/a Frank's Good Times 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 neither the bartender nor any of the patrons were wearing facial coverings. Some of the patrons were observed walking around the premises.
3. Investigators noted that the bar area did not have any plexiglass or other barrier between the bartender and the patrons, with patrons seated in close proximity to several workstations.
4. Investigators saw no indication of food service.
5. Investigators identified themselves to the bartender on duty, Nicole Arruda, who stated that the establishment does serve food but not everyone had food.
6. Investigators informed Ms. Arruda of the violations and that a report would be filed with the Chief Investigator for further review.
7. Attorney Wayne Berube appeared at the Commission hearing on behalf of the Licensee and explained that food had been served prior to the Investigators' arrival and the kitchen had closed.
8. Attorney Berube acknowledged Ms. Arruda did not have her mask pulled up over her nose and mouth but rather had the mask around her neck. Additionally, he admitted the Licensee's policy requiring that all employees and patrons wear masks was not followed this night. The Licensee now has extra masks available for patrons who seek entry and are without a facial covering.
9. Attorney Berube also informed the Commission that the Licensee has since installed Plexiglas on the bar.
10. The Licensee has held a license under M.G.L. c. 138, § 12 since 1979.

## 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 Franks Good Times Inc. d/b/a Frank's Good Times **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.

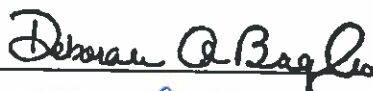
Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will include, but not be limited to the Licensee receives approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan. The Licensee must submit to the DLS a COVID Control Plan to reopen (see link here: <https://www.mass.gov/doc/sector-specific-workplace-safety-standards-phase-iii-step-1-for-restaurants-to-address-covid-1/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**

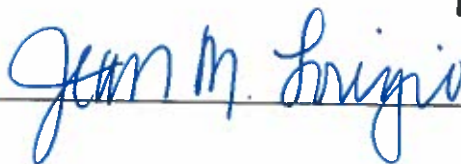
Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Jean M. Lorizio, Chairman



Dated: February 9, 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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