



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150-2358*

**Jean M. Lorizio, Esq.**  
*Chairman*

**NOTICE OF SUSPENSION**

April 21, 2021

**TRESTLE BRIDGE LLC D/B/A THE THIRSTY TURTLE PUB  
15 CENTRAL STREET  
TEMPLETON, MA 01436  
LICENSE#: 03459-RS-1268  
VIOLATION DATE: 1/14/2021  
HEARD: 2/23/2021**

After a hearing on February 23, 2021, the Commission finds Trestle Bridge LLC d/b/a The Thirsty Turtle 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: 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;
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 57 (Dec. 8, 2020).

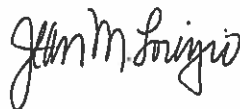
Therefore, the Commission **SUSPENDS** the license of Trestle Bridge LLC d/b/a The Thirsty Turtle Pub for a period of **five (5) days**.

**The suspension shall commence on Monday, June 7, 2021, and terminate on Friday, June 11, 2021.** The license will be delivered to the Local Licensing Board or its designee on Monday, June 7, 2021 at 9:00 A.M. It will be returned to the Licensee on June 12, 2021.

You are advised that pursuant to the provisions of M.G.L. c.138 § 23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

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.

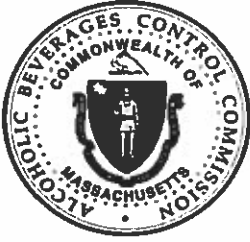
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**



Jean M. Lorizio  
Chairman

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Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.  
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  
Dennis Keefe, Investigator  
Brian Gould, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Administration, File



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*Alcoholic Beverages Control Commission*  
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*Chairman*

**DECISION**

**TRESTLE BRIDGE LLC D/B/A THE THIRSTY TURTLE PUB**  
**15 CENTRAL STREET**  
**TEMPLETON, MA 01436**  
**LICENSE#: 03459-RS-1268**  
**VIOLATION DATE: 1/14/2021**  
**HEARD: 2/23/2021**

Trestle Bridge LLC d/b/a The Thirsty Turtle 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, February 23, 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. 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;
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Violation of Mass. Exec. COVID-19 Order No. 57 (Dec. 8, 2020).

The above-mentioned occurred on January 14, 2021 according to Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Report;
2. Accela License Summary re: Licensee;
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. 55, 11/2/2020;
6. Massachusetts Executive COVID-19 Order No. 57, 12/8/2020;

7. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 12/11/2020;
8. ABCC Enforcement Memorandum, 2/19/2021;
9. ABCC Decision, 10/26/2020;
10. ABCC Decision, 11/9/2020;
11. Investigators' Photos of Interior of Licensed Premises.

A. Licensee's Photos of Bar.

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

FINDINGS OF FACT

1. On Thursday, January 14, 2021, at approximately 8:30 p.m., Investigators Gould and Keefe ("Investigators"), along with Officers from the Templeton Police Department ("Officers"), conducted an investigation of Trestle Bridge LLC d/b/a The Thirsty Turtle 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. (Testimony, Exhibit 1)
2. Investigators and Officers initially made observations from outside and upon noticing a number of people in the bar in close proximity to one another, a bartender without a mask and a man standing leaning on the bar without any facial covering, they entered the licensed premises. Investigators observed no plexiglass or protective barriers within the entire bar area. Id.
3. Investigators walked to the far side of the bar area and observed two (2) male individuals seated directly at the bar, within one foot of an uncovered fruit tray at the service station. Investigators observed another male individual leaning against the bar, standing next to the two (2) males. None of these individuals were wearing facial coverings. Id.
4. The female bartender without a mask was observed serving alcoholic beverages directly over the bar. Id.
5. A male individual put on a facial covering and approached Investigators. He identified himself as the owner, Jason Arsenault. Id.
6. Investigator Keefe made observations of the approximately 16 individuals located in close proximity to one another. None of the individuals wore any facial covering and none were actively consuming food. Id.
7. Investigator Keefe observed the female bartender wore her facial covering below her chin, but she moved it to cover her mouth once she noticed the Investigators. The bartender never pulled her facial covering over her nose while Investigators were in the establishment. Id.
8. Mr. Arsenault informed Investigators he believed he was allowed to sit at the bar because he was an employee. Id.

9. Investigators reviewed the Sector Specific Safety Standards with Mr. Arsenault and informed him of the violations and that a report would be filed with the Chief Investigator for further review. *Id.*
10. Mr. Arsenault, the Licensee, appeared at the Commission hearing and testified the female bartender is unable to wear her mask over her nose due to a documented medical condition. She periodically puts her mask over her mouth in an effort to comply with the mask requirement to the extent she is able. (Testimony)
11. Mr. Arsenault testified he was seated at the bar with a patron seated next to him when the Investigators entered the premise. He stated he was taking a break and believed he could remove his mask during his break. *Id.*
12. Mr. Arsenault acknowledged he made a mistake in allowing the patron to sit next to him at the bar and near the fruit tray. He stated that the fruit tray has a built-in cover on it so he is unsure as to why it would have been uncovered. *Id.*
13. Mr. Arsenault testified an extensive reopening plan had been approved by the Division of Labor Standards and other than allowing the patron to sit at the bar with him, he believed he was in compliance with said plan. *Id.*
14. Mr. Arsenault stated the man identified as standing by the bar without a mask had been wearing a mask. As Mr. Arsenault was speaking with Investigators, he observed the patron remove his mask. *Id.*
15. Mr. Arsenault testified that all patrons are required to order food and had done so on the night of the Investigators' inspection. *Id.*
16. Mr. Arsenault informed the Commission that he has since installed plexiglass barriers at the bar as an added precaution. (Testimony, Exhibit A)
17. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017 with one prior violation of Massachusetts Executive COVID-19 Orders. (Exhibits 2 and 10)

### DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm'n, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was "enacted ... to serve the public need and ... to protect the common good." M.G.L. c. 138, § 23. "[T]he purpose of discipline is not retribution, but the protection of the public." Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given "comprehensive powers of supervision over licensees." Connolly, 334 Mass. at 617.

The Licensee is charged with a violation of 204 CMR 2.05 (2). “No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises.” 204 CMR 2.05 (2). More specifically the Licensee is charged with 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;

Massachusetts Executive COVID-19 Order No. 40 (June 19, 2020) - Violation of sector specific workplace safety standards for restaurants to address COVID-19;

Violation of Massachusetts Executive COVID-19 Order No. 55 (November 2, 2020); and

Violation of Massachusetts Executive COVID-19 Order No. 57 (December 8, 2020).

The Executive COVID-19 Orders require adherence to all Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19 (December 11, 2020) including:

Require face coverings for all customers and workers at all times, except where an individual is unable to wear a face covering due to medical condition or disability;

Customers must wear face coverings unless seated at tables;

All customers must be seated;

Ensure separation of 6 feet or more between all individuals.

Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19 (December 11, 2020)

Direct evidence was presented through the testimony of Investigators Keefe and Gould, and corroborated by the Licensee, as to patrons and the Licensee on the licensed premises without any facial coverings, patrons standing within the licensed premises and failure to maintain 6 feet of distance between parties.

The Commission is persuaded by the evidence that a violation of 204 CMR 2.05(2) to wit Massachusetts Executive COVID-19 Orders 37, 40, 55, and 57 did occur.

## CONCLUSION

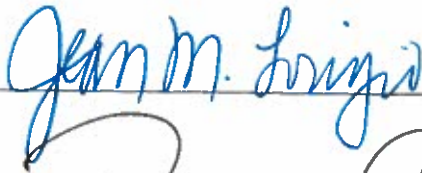
Based on the evidence, the Commission finds the Licensee violated:

- 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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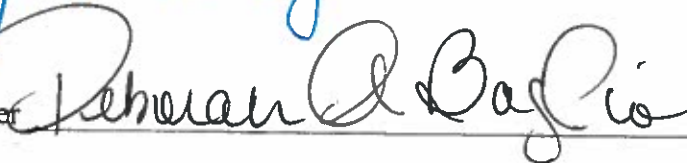
The Commission hereby **SUSPENDS** the license of Trestle Bridge LLC d/b/a The Thirsty Turtle Pub for a period of five (5) days.

## ALCOHOLIC BEVERAGES CONTROL COMMISSION

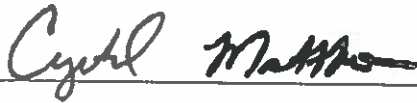
Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Crystal Matthews, Commissioner



Dated: April 21, 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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