



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

Jean M. Lorizio, Esq.
Chairman

MEMORANDUM AND ORDER ON LICENSEE'S
REQUEST FOR RECONSIDERATION

DIRT MCGIRT'S LLC D/B/A DIRT MCGIRT'S
1051 MAIN STREET
WORCESTER, MA 01608
LICENSE#: 05282-GP-1508

Dirt McGirt's LLC d/b/a Dirt McGirt's (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "ABCC" or "Commission") ~~held a hearing on Wednesday, October 21, 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 Massachusetts Executive COVID-19 Order No. 46 (August 7, 2020).

By decision dated November 18, 2020 the Commission found the Licensee in violation of the charges and indefinitely suspended the License effective forthwith until further written order from this Commission.

The Commission stated that it would consider issuing a further order upon written request of the Licensee showing good cause to reconsider this indefinite suspension. Good cause for the Commission would include, but not be limited to, the Licensee's receiving approval from the Massachusetts Department of Labor Standards ("DLS") as to a reopening plan.

On November 20, 2020, the Licensee submitted a written request to reconsider the indefinite suspension. On November 21, 2020, the Commission received the letter of approval from Massachusetts Department of Labor Standards ("DLS").

CONCLUSION

Based on the evidence presented, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of Dirt McGirt's LLC d/b/a Dirt McGirt's **effective forthwith.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

Crystal Matthews

Deborah A. Baglio, Commissioner

Deborah A. Baglio

Jean M. Lorizio, Chairman

Jean M. Lorizio

Dated: November 23, 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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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
Michael Flanagan, Dept. of Labor Standards
Officer Patrick Harrington, Worcester Police Department
Administration, File

Hathaway, Patricia (TRE)

From: stacey blanchette <dirtmcgirts51@gmail.com>
Sent: Friday, November 20, 2020 10:31 AM
To: Hathaway, Patricia (TRE)
Subject: Reconsideration of suspension

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear ABCC Commission,

My name is Stacey Blanchette, the owner of Dirt McGirts on 1051 Main St. in Worcester. I am requesting that you reconsider the indefinite suspension of my liquor license. I have submitted a control plan to the Mass. Dept of Labor Standards and am waiting approval. Please contact me via email or at 508-723-3330 if you have any further questions. Thank you for your time and consideration.

Sincerely,
Stacey Blanchette

Sent from my iPhone



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ROSALIN ACOSTA
SECRETARY

MICHAEL FLANAGAN
DIRECTOR

November 20, 2020
Alcohol and Beverage Control Commission
95 Fourth Street
Chelsea, MA 02150-2358
phathaway@tre.state.ma.us

RE: ABCC License # 05282-GP-1508
DIRT MCGIRT's LLC D/B/A DIRT MCGRIRT'S
1051 Main Street
Worcester, MA 01608
21C-2517

The Department of Labor Standards has reviewed the written COVID-19 Control Plan from the **DIRT MCGIRT's LLC D/B/A DIRT MCGRIRT'S at 1051 Main st in Worcester, Ma** and verified plan implementation through photos provided by the owner.

The Department of Labor Standards has determined the business' COVID-19 Control Plan to be satisfactory according to COVID-19 Orders No. 33, 37 or 43.

Sincerely,

Mary Dozois

Mary Dozois CIH CSP
Supervisor, Workplace Safety & Health Program
MA Department of Labor Standards
72 School Street, Taunton, MA 02780
617-626-5987 and mary.dozois@mass.gov

TEMPLATE (PART 1 OF 2)

COVID-19 Control plan



All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans **do not** need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak.

All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity.

BUSINESS INFORMATION | please provide the following information

Business name: Dirt McGirts

☐ Check if part of a larger corporation

Address: 1051 Main St Worcester Ma 01603

Contact information (Owner/Manager): Stacey Blanchette

Contact information (HR representative), if applicable: 508-723-3330

Number of workers on-site: 5

SOCIAL DISTANCING | check the boxes to certify that you have:

☒ Ensured that all persons, including employees, customers, and vendors remain at least six feet apart to the greatest extent possible, both inside and outside workplaces

☒ Established protocols to ensure that employees can practice adequate social distancing

☒ Posted signage for safe social distancing

☒ Required face coverings or masks for all employees

☒ Implemented additional procedures. Please describe them here: We have put up plexi as a divider between staff and patrons. Face coverings are also provided to patrons if needed. We have 2 or 3 seats per table (6) to limit larger groups.

HYGIENE PROTOCOLS | check the boxes to certify that you have:

☒ Provided hand washing capabilities throughout the workplace

☒ Ensured frequent hand washing by employees and provided adequate supplies to do so

☒ Provided regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site

☒ Implemented additional procedures. Please describe them here: Hand sanitizer is kept at every table. We serve everything in disposable cups, containers, forks/knives etc..

TEMPLATE (PART 2 OF 2)

COVID-19 Control plan



All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans do not need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak.

All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity.

STAFFING & OPERATIONS check the boxes to certify that you have: _____

- ☒ Provided training for employees regarding the social distancing and hygiene protocols
- ☒ Ensured employees who are displaying COVID-19-like symptoms do not report to work
- ☒ Established a plan for employees getting ill from COVID-19 at work, and a return-to-work plan
- ☒ Implemented additional procedures. Please describe them here: Any staff that is feeling sick is required to be tested and can not return to work until they can provide a negative result.

CLEANING & DISINFECTING check the boxes to certify that you have: _____

- ☒ Established and maintained cleaning protocols specific to the business
- ☒ Ensured that when an active employee is diagnosed with COVID-19, cleaning and disinfecting is performed
- ☒ Prepared to disinfect all common surfaces at intervals appropriate to said workplace
- ☒ Implemented additional procedures. Please describe them here: We clean once in the morning and again at night. Tables are cleaned after every use. Thru out the day, doorknobs, toilet handles etc are wiped down periodically.