



*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**

October 23, 2020

**PATSIE DUGAN'S LLC D/B/A PATSIE DUGAN'S PUB  
49 MILLBURY STREET  
WORCESTER, MA 01608  
LICENSE#: 00546-RS-1508  
VIOLATION DATE: 9/04/2020  
HEARD: 9/29/2020**

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After a hearing on September 29, 2020, the Commission finds Patsie Dugan's LLC d/b/a Patsie Dugan's 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: Violation of Massachusetts Executive COVID-19 Order No. 46 (August 7, 2020).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Patsie Dugan's LLC d/b/a Patsie Dugan's Pub **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.

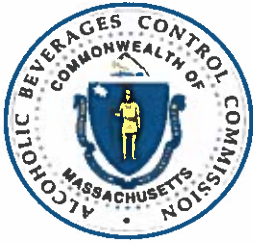
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio  
Chairman

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Dennis Keefe, Investigator  
Brian Gould, Investigator  
Officer Patrick Harrington, Worcester Police Department  
Administration, File

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

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

**DECISION**

**PATSIE DUGAN'S LLC D/B/A PATSIE DUGAN'S PUB  
49 MILLBURY STREET  
WORCESTER, MA 01608  
LICENSE#: 00546-RS-1508  
VIOLATION DATE: 9/04/2020  
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Patsie Dugan's LLC d/b/a Patsie Dugan's Pub (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a hearing on Tuesday, September 29, 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).

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

The following documents are in evidence:

1. Investigator Keefe's Report;
2. Licensee Partial Stipulation of Facts;
3. Copy of Form 43 Application Approval, 5/31/2011;
4. Massachusetts Executive COVID-19 Order No. 37;
5. Massachusetts Executive COVID-19 Order No. 40;
6. Massachusetts Executive COVID-19 Order No. 46;
7. Massachusetts COVID-19 Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 8/10/2020;

8. ABCC Enforcement Memorandum, 9/28/2020.
- A. Worcester Telegram Newspaper Article, 9/20/2020.

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

#### FINDINGS OF FACT

1. On Friday, September 4, 2020, Investigators Gould and Keefe (“Investigators”), along with Worcester Police Officer Patrick Harrington (“Officer”) conducted an investigation of Patsie Dugan’s LLC d/b/a Patsie Dugan’s 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.
2. While in the parking lot of the licensed premises, Investigators observed five (5) individuals, without any facial coverings and in possession of alcoholic beverages, walking around freely on the outside deck of the restaurant.
3. Investigators, accompanied by Officer Harrington, entered the licensed premises and observed that the bar area was very busy with multiple individuals standing at the bar.
4. Investigators observed tables attached to the bar with patrons seated at the tables but facing the bar area. The position of the tables and of the patrons made it appear as though these patrons were seated at the bar.
5. Investigators observed approximately ten (10) individuals without any facial coverings, walk up to the bar. These individuals were served alcoholic beverages directly while standing at the bar.
6. While Investigator Keefe and Officer Harrington remained inside the restaurant making observations, Investigator Gould went outside to the deck area and observed approximately six (6) individuals without any facial coverings, walking freely around the deck.
7. Investigators identified themselves to the manager and owner, Patrick Patton. Mr. Patton accompanied the Investigators and Officer Harrington out to the side outdoor deck area.
8. While Investigators spoke to Mr. Patton, they observed a party of seven (7) individuals seated at one table.
9. Investigators discussed with Mr. Patton the Governor’s Phase 2 Sector Specific Safety Standards, which require that restaurants must comply with the following sector specific social distancing rules: Restaurants may not seat any customers at the bar; all customers must be seated; eat-in service to standing customers (e.g., around the bar areas) is prohibited. The Safety Standards provide further that restaurants: Require face coverings for all customers and workers at all times; and Ensure separation of 6-feet or more between all individuals.
10. Investigators advised Mr. Patton of the violations and that a report would be filed with the Chief Investigator for further action.

11. Mr. Patton appeared at the Commission hearing and testified that at the time the Investigators and Officer Harrington arrived it was “last call” and the people observed standing and walking around without masks had been getting ready to leave the establishment.
12. Mr. Patton acknowledged that people had been served over the bar but did not know it was prohibited.
13. The Commission was informed of steps taken by the Licensee to ensure compliance with COVID-19 safety protocols, including reinforcing with employees the importance of informing people to wear masks, adding Plexiglas down and over the bar and ensuring tables and stools are properly situated at the bar.
14. The Licensee has held a license under M.G.L. c. 138, § 12 since 2011 with no prior violations.

### CONCLUSION

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

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- 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).

The Commission hereby **INDEFINITELY SUSPENDS** the license of Patsie Dugan’s LLC d/b/a Patsie Dugan’s Pub **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](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

Deborah A. Baglio, Commissioner

*Deborah A. Baglio*

Crystal Matthews, Commissioner

*Crystal Matthews*

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Jean M. Lorizio, Chairman

*Jean M. Lorizio*

Dated: October 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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