



*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**

**PATSIE DUGAN'S LLC D/B/A PATSIE DUGAN'S PUB
49 MILLBURY STREET
WORCESTER, MA 01608
LICENSE#: 00546-RS-1508**

Patsie Dugan's LLC d/b/a Patsie Dugan's Pub (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 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 Mass. Exec. COVID-19 Order No. 46 (August 7, 2020)

By decision dated October 23, 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 October 28, 2020, the Licensee submitted a written request to reconsider the indefinite suspension. On November 2, 2020, the Commission received the notice 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 Patsie Dugan's LLC d/b/a Patsie Dugan's Pub effective forthwith.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner

Deborah A. Baglio

Crystal Matthews, Commissioner

Crystal Matthews

Jean M. Lorizio, Chairman

Jean M. Lorizio

Dated: November 5, 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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
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
Officer Patrick Harrington, Worcester Police Department
Michael Flanagan, Dept. of Labor Standards
Administration, File

Sacramone, Ralph (TRE)

From: Baglio, Deborah A. (TRE)
Sent: Thursday, November 5, 2020 4:23 PM
To: Hathaway, Patricia (TRE); Lorizio, Jean (TRE); Matthews, Crystal (TRE)
Cc: Sacramone, Ralph (TRE)
Subject: RE: Worc/ Patsie Dugans

Hi Patricia-

Thank you for forwarding. Ralph please use my stamp to issue Order.

Thank you!Deb

Deborah A. Baglio, Esq.
Associate Commissioner
Commonwealth of Massachusetts
~~Alcoholic Beverages Control Commission~~
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358
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w. (617) 727-3040
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From: Hathaway, Patricia (TRE) <phathaway@tre.state.ma.us>
Sent: Thursday, November 5, 2020 4:19 PM
To: Lorizio, Jean (TRE) <jlorizio@tre.state.ma.us>; Matthews, Crystal (TRE) <cmatthews@tre.state.ma.us>; Baglio, Deborah A. (TRE) <deborah.a.baglio@tre.state.ma.us>
Cc: Sacramone, Ralph (TRE) <rsacramone@tre.state.ma.us>
Subject: FW: Worc/ Patsie Dugans
Importance: High

Hello Commissioners:

Please see Licensee's request to reconsider the indefinite suspension in message below and the DLS Approval letter attached. Please review all. Please let Ralph know if we can use your signature stamps on the ABCC Memo & Order attached.

Although the DLS order is dated 11/2/20 I just received it this afternoon.

Best,
Patricia

From: Patrick Patton <patrickpatton80@yahoo.com>
Sent: Thursday, October 29, 2020 5:56 PM

Pastie Dugan's LLC

Covid-19 Health & Safety Policies for Employees & Patrons

Purpose

These workplace safety standards are in place to provide instructions to help protect against the spread of COVID-19.

Pastie Dugan's will comply with the Covid-19 order numbers (but not limited to) 37, 40, 46.

These standards are minimum requirements only and are not exclusive or exhaustive. The public health data for disease prevention that inform these guidelines can and does change frequently, and the operator of the restaurant is accountable for adhering to all local, state and federal requirements. The operator of the restaurant is also responsible for staying abreast of any updates to these requirements.

Standards for Responsible Restaurants in Massachusetts

"Restaurant" means an establishment that provides seated food service that is prepared on-site and under a Food Service Establishment, for food service establishments that cook, prepare and serve food, intended for immediate consumption, as permitted and issued by a municipal authority pursuant to 105 CMR 590.000. Potato chips, pretzels, and other similar pre-packaged, shelf stable foods, or other food prepared off-site, do not constitute food "prepared on-site."

I. Social Distancing

- a. 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
 - i. Customers must wear face coverings unless seated at tables
- b. Restaurants must comply with the following sector specific social distancing rules for providing dining services in all customer seating areas:
 - i. Tables must be positioned so to maintain at least a 6 foot distance from all other tables and any high foot traffic areas (e.g., routes to bathrooms, entrances, exits); tables may be positioned closer if separated by protective / non-porous barriers (e.g., structural walls or plexi-glass dividers) not less than 6 feet high installed between tables and high foot traffic areas.
 - ii. The size of a party seated at a table cannot exceed 10. (WORCESTER MA is still at 6 persons per table)
- c. Bar seating is permitted provided that either:
 - i. There are no active work areas or working staff behind the bar at least 6 ft away; or
 - ii. There is a physical barrier (e.g. Plexiglas) separating customers from the bar space that is at least 30 inches high and a gap/opening at the bottom of the barrier is allowed for food and drink service as long as the gap/opening is no more than 8 inches high
 - iii. In addition, parties must be seated at bars (no standing customer service) and parties must be spaced at least 6 ft from other parties

- iv. Subject to any applicable building and fire code requirements, bar areas may be reconfigured to accommodate table seating that complies with all spacing and other requirements in these COVID-19 safety standards. Tables must not be placed within 6 feet of the staffed bartending area.
 - d. All customers must be seated; eat-in service to standing customers (e.g., around bar areas) is prohibited. All other amenities and areas not employed for food and beverage service (e.g., dance floors, pool tables, playgrounds, etc.) must be closed or removed to prevent gathering of customers.
 - e. Ensure separation of 6 feet or more between all individuals (workers, vendors, and customers) unless this creates a safety hazard due to the nature of the work or the configuration of the workspace.
 - i. Close or reconfigure worker common spaces and high density areas where workers are likely to congregate (e.g., break rooms, eating areas) to allow 6 feet of physical distancing; redesign work stations to ensure physical distancing (e.g., separate tables, stagger workstations on either side of processing lines so workers are not face-to-face, use distance markers to assure spacing including in the kitchen area).
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- ii. Establish directional hallways and passageways for foot traffic if possible, to minimize contact (e.g., one-way entrance and exit to the restaurant). Post clearly visible signage regarding these policies.
 - iii. Prohibit lingering in common areas (e.g., waiting areas, bathrooms) and ensure social distancing in common areas by marking 6 feet spacing with tape or paint on the floor and signage.
 - iv. All customer-facing workers (e.g., servers, bus staff) must minimize time spent within 6 feet of customers.
 - v. Designate assigned working areas to workers where possible to limit movement throughout the restaurant and limit contact between workers (e.g., assigning zones to servers).
 - vi. Stagger work schedules and staff meal and break times, regulating maximum number of people in one place and ensuring at least 6 feet of physical distancing.
 - vii. Minimize the use of confined spaces (e.g., elevators, vehicles) by more than one individual at a time.

II. Hygiene

- a. All workers must wash their hands frequently, and table servers must wash their hands or apply hand sanitizer between each table interaction.
- b. Ensure access to handwashing facilities on site, including soap and running water, and allow sufficient break time for workers to wash hands frequently; alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative
- c. Self-serve, unattended buffets, topping bars, drink stations, and other communal serving areas must remain closed.
- d. Condiments and similar products (e.g., salt, pepper, and salad dressing) should not be pre-set on tables and should instead only be provided upon request either in single-

serving portions (e.g., individual packages or cups) or in serving containers that are sanitized between each use.

- e. Utensils and place settings must be either single-use or sanitized after each use; utensils should be rolled or packaged. Tables should not be pre-set to reduce opportunity for exposure.
- f. Menus must be one of the following: 1) paper, single-use menus disposed after each use, 2) displayed menu (e.g., digital, whiteboard, chalkboard), 3) electronic menus viewed on customers' phones / mobile devices, or 4) laminated reusable menus sanitized between each use
- g. Tables and chairs must be cleaned and sanitized thoroughly between each seating.

III. Staffing and Operations

- a. When possible, reservations or call ahead seating should be encouraged; managers must ensure that diners waiting for tables do not congregate in common areas or form lines
 - i. When taking reservations and when seating walk-in customers, restaurants should retain a phone number of someone in the party for possible contact tracing
- b. Maintain a log of workers and customer to support contact tracing (the employees use a POS system that shows a time and date stamp with who worked. Moving forward we will adhere to the contact control log as we are a small establishment and know all of our customers personally) if needed
- c. When seated, attendees should be in groups of not more than 10. (WORCESTER MA is still at 6persons per table)
- d. Alcoholic beverages may only be served for on-site consumption if accompanied by food prepared on-site. Potato chips, pretzels, and other pre-packaged shelf stable foods, or other food prepared off-site, do not constitute food "prepared on-site." For each customer, an item of prepared food must be ordered at the same time as an initial alcoholic beverage(s) order. One or more shareable food item(s) may be ordered, as long as it/they would sufficiently serve the number of people at the table.
- e. Provide training to workers on up-to-date safety information and precautions including hygiene and other measures aimed at reducing disease transmission, including:
 - i. Social distancing, handwashing, and requirement and proper use of face coverings
 - ii. Modifying practices for serving in order to minimize time spent within 6 feet of customers
 - iii. Self-screening at home, including temperature or symptom checks
 - iv. Reinforcing that staff shall not come to work if sick
 - v. When to seek medical attention if symptoms become severe
 - vi. Which underlying health conditions may make individuals more susceptible to contracting and suffering from a severe case of the virus
- f. Limit visitors and vendors on site; shipping and deliveries should be completed in designated areas.
- g. Workers must stay home if feeling ill.
- h. Restaurants must screen workers at each shift by ensuring the following:

- i. Worker is not experiencing any symptoms such as fever (100.0 and above) or chills, cough, shortness of breath, sore throat, fatigue, headache, muscle/body aches, runny nose/congestion, new loss of taste or smell, or nausea, vomiting or diarrhea
 - ii. Worker has not had "close contact" with an individual diagnosed with COVID-19. "Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for 15 minutes or more, or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19,
 - iii. Worker has not been asked to self-isolate or quarantine by their doctor or a local public health official
 - iv. Workers who fail to meet the above criteria must be sent home
- i. Anyone showing signs of illness may be denied entry
- j. Workers are strongly encouraged to self-identify symptoms or any close contact to a known or suspected COVID-19 case to the employer

- k. Workers shall not appear for work or complete a shift if feeling ill
- l. Encourage workers who test positive for COVID-19 to disclose to the employer for purposes of cleaning / disinfecting and contact tracing. If the employer is notified of any positive case at the workplace, the employer must immediately notify the local Board of Health (LBOH) in the city or town where the workplace is located. Employers must assist the LBOH with contact tracing efforts, including advising likely contacts to isolate and self-quarantine.
- m. Designate the Person in Charge (105 CMR 590) for each shift to oversee implementation of the guidelines in this document
 - i. Patrick Patton
- n. Additional on-site amenities and services shall only open and operate when those amenities or services would otherwise be authorized to operate under the Commonwealth's Phased Reopening Plan and then must adhere to all sector-specific safety protocols, available on the Reopening Plan website, applicable to the amenity or service. Examples include:
 - i. Darts, arcade games, and other indoor games: Must follow the Arcades & Other Indoor & Outdoor Game & Recreation Businesses guidance, including the requirement that active use of pool tables and other games involving patrons not seated at tables is not permitted in areas where food service is provided.
 - ii. Musical and other performances: Must follow the latest Theater and Performance Venue guidance, including distance between performers and between performers and attendees. Any performers arriving from other states must follow the Commonwealth's current out-of-state travel order. Performances at indoor venues in Step 1 communities may not include singing or the playing of wind or brass instruments. Performances at indoor venues in step 2 communities may not include singing, but may include the playing of wind or brass instruments in accordance with the performance venue guidance

- iii. Dance floors: Must remain closed until Phase 4
- iv. Events hosted at restaurants must follow the Indoor and Outdoor Events guidance, including the capacity limitations in that guidance.

IV. Cleaning and Disinfecting

- a. The use of EPA-registered disinfectants from List N will be used during all cleaning/disinfection
 - b. Clean commonly touched surfaces in restrooms (e.g., toilet seats, doorknobs, stall handles, sinks, paper towel dispensers, soap dispensers) frequently and in accordance with CDC guidelines
 - c. Keep cleaning logs that include date, time, and scope of cleaning
 - d. Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, elevator buttons, staircases)
 - e. Implement procedures to increase cleaning / disinfecting in the back-of-house. Avoid all food contact surfaces when using disinfectants. Food contact surfaces must be cleaned and sanitized before use with a sanitizer approved for food contact surfaces. Non-food contact surfaces must be frequently cleaned.
 - f. In the event of a presumptive or actual positive COVID-19 case of a worker, patron, or vendor, the restaurant must shut down site for a deep cleaning and disinfecting of the workplace in accordance with current CDC guidance.
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Patsie Dugan's

RE: Emergency staff meeting

October 28, 2020

At 6:30PM

Subjects:	Closure do to Covid-19 violations	Table seating & placement
	Social distancing 6'	Face covering
	Hand washing	Hygiene
	Self-screening	frequent disinfecting
	When not to come to work	Contact customer log
	When seeking medical attention	Under laying medical conditions

*** All subjects were per the Covid-19 rules and regulations.

Attending personal:

Patrick (owner)

Patrick Patches

Lidiana (morning cleaner)

[Signature]

Dan (bartender)

Dan En

Kandi (bartender)

[Signature]

Ania (bartender)

AP.

Luther (bartender/door)

Luther Coles

Rich (cook)

Rich [Signature]

Ruth (cook)

Rm

Steven (door)

Ab [Signature]

Crystal (Waitress)

Crystal Lee

Alan (door)

Alan [Signature]

Cleaning Products used

Bar, Tables and Door Handles

Clorox

Clorox Hand Wipes

Redi-San RTU Hard Surface Sanitizer

Bathrooms

Clorox Bleach

Floors

Clorox Multi – purpose cleaner

Kitchen

Clorox Kitchen Pro

Redi-San RTU Hard Surface Sanitizer