



*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

May 13, 2021

**PARKER'S PUB LLC D/B/A PARKER'S PUB
303 SHEARS STREET
WRENTHAM, MA 02093
LICENSE#: 04716-RS-1514
VIOLATION DATE: 3/12/2021
HEARD: 3/30/2021**

After a hearing on March 30, 2021, the Commission finds Parker's Pub LLC d/b/a Parker'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: 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: Mass. Exec. COVID-19 Order No. 63 (Feb. 4, 2021);
- 5) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Mass. Exec. COVID-19 Order No. 65 (Feb. 25, 2021) – Failure to comply with rules applicable to sector-specific COVID-19 workplace safety rules.).

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

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
Nicole Smith, Investigator
Michael Teehan, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**PARKER'S PUB LLC D/B/A PARKER'S PUB
303 SHEARS STREET
WRENTHAM, MA 02093
LICENSE#: 04716-RS-1514
VIOLATION DATE: 3/12/2021
HEARD: 3/30/2021**

Parker's Pub LLC d/b/a Parker's 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, March 30, 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: Mass. Exec. COVID-19 Order No. 63 (Feb. 4, 2021);
- 5) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Mass. Exec. COVID-19 Order No. 65 (Feb. 25, 2021) – Failure to comply with rules applicable to sector-specific COVID-19 workplace safety rules.

The above-captioned occurred March 12, 2021 according to Investigator Smith's Report.

The following documents are in evidence:

1. Investigator Smith's Report;
2. ABCC License Transfer Approval, 2/28/2019;
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. 63, 2/4/2021;
7. Massachusetts Executive COVID-19 Order No. 65, 2/25/2021;
8. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 2/25/2021;
9. Massachusetts Sector Specific Workplace Safety Standards for Arcades and Other Indoor and Outdoor Game and Recreation Businesses to Address COVID-19, 2/25/2021;
10. ABCC Enforcement Memorandum, 3/26/2021;
11. Photographs of Licensed Premises, 3/12/2021.

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

FINDINGS OF FACT

1. On Friday, March 12, 2021, at approximately 7:45 p.m., Investigators Teehan and Smith ("Investigators") conducted an investigation of Parker's Pub LLC d/b/a Parker's Pub to determine the manner in which its business was being conducted, to ensure compliance with Massachusetts Governor Charles Baker's Executive COVID-19 Orders. (Testimony, Exhibit 1)
2. Investigators entered the licensed premises and observed a pool table to the right of the entrance. In the area of the pool table, Investigators observed approximately 16 patrons, without facial coverings, standing in close proximity to one other, and consuming alcoholic beverages. Investigators observed five [of the 16 individuals] consuming alcoholic beverages while they stood and played pool. (Testimony, Exhibits 1 and 11)
3. Investigators saw the dining room and bar area to the left of the entrance, where they observed approximately 35-40 individuals. Investigators observed one table with seven individuals seated together; another table had four seated individuals with another five individuals standing around it, all patrons were consuming alcoholic beverages. Investigators observed none of these individuals maintained proper social distancing and all were without facial coverings. (Testimony, Exhibit 1)
4. Investigators observed several individuals, without facial coverings, seated and standing at the bar. There was no social distancing between these customers. (Testimony, Exhibits 1 and 11)
5. Investigators observed bartenders working behind the bar without maintaining the proper social distance from patrons and without any physical barrier to separate employees from patrons. (Testimony, Exhibit 1)
6. Investigators identified themselves and asked to speak with the manager. Investigators spoke with bar manager, Lauren Valentino, outside the establishment and informed Ms. Valentino of their observations regarding the COVID-19 violations and that a report would be filed with the Chief Investigator for further review. Id.
7. Mr. Thomas Gianfrancesco, Licensee, appeared at the Commission hearing and apologized for what took place on the night of the Investigators' visit. He testified there are normally 3 managers on duty each night, including himself, Chad McGrath and Ms. Valentino. He

and Mr. McGrath were out sick with COVID-19. He acknowledged that holding a liquor license is a privilege and stated they should have done a better job enforcing COVID restrictions. (Testimony)

8. Mr. Gianfrancesco testified that employees have been retrained and are better equipped to enforce COVID restrictions. Id.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2019, with no prior violations. (Exhibit 2, Commission Records)

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;

Massachusetts Executive COVID-19 Order No. 63 (Feb. 4, 2021);

Massachusetts Executive COVID-19 Order No. 65 (Feb. 25, 2021) – Failure to comply with rules applicable to sector-specific COVID-19 workplace safety rules.

The Executive COVID-19 Orders require adherence to all Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19 (January 22, 2021) 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; and

All customers must be seated.

Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19
(January 22, 2021)

Evidence was presented through the testimony of Investigator Smith, and corroborated by the Licensee, as to patrons standing, less than 6 feet apart, without facial coverings and consuming alcoholic beverages, as well as through photographic evidence depicting what Investigators observed when they entered the establishment on March 12, 2021.

The Commission is persuaded by the evidence that a violation of 204 CMR 2.05(2), to wit: Massachusetts Executive Orders 37, 40, 55, 63, and 65 did occur.

CONCLUSION

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

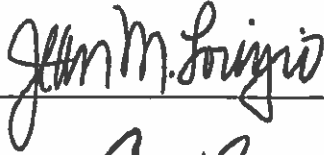
- 1) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 37 (June 6, 2020) - Violation of sector specific workplace safety standards for restaurants to address COVID-19;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, 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: Mass. Exec. COVID-19 Order No. 63 (Feb. 4, 2021);
- 5) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Mass. Exec. COVID-19 Order No. 65 (Feb. 25, 2021) – Failure to comply with rules applicable to sector-specific COVID-19 workplace safety rules.

The Commission hereby **INDEFINITELY SUSPENDS** the license of Parker’s Pub LLC d/b/a Parker’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/sector-specific-workplace-safety-standards-for-restaurants-to-address-covid-19-030121/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) and Mary Dozois (mary.dozois@mass.gov) requesting review and approval.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: May 13, 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.

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
Nicole Smith, Investigator
Michael Teehan, Investigator
Michael Flanagan, Dept. of Labor Standards
Administration, File