



# CEASE AND DESIST ORDER

## BUSINESS ACTIVITY NOT ELIGIBLE TO BE OPEN UNDER MASSACHUSETTS COVID-19 ORDERS EFFECTIVE IMMEDIATELY

**DATE:** July 27, 2020

**DLS CASE #** 21C-12142

**NAME OF BUSINESS:** Bay State Cruise Company

**ADDRESS OF BUSINESS:** 200 Seaport Blvd #50, Boston, MA 02210

The Massachusetts Department of Labor Standards (DLS), and the Boston Public Health Commission (BPHC) working under the authority of the Governor's emergency orders, including COVID-19 Order Nos. 33, 37 and 43, M.G.L. c. 149, §§ 6, 6-1/2, and M.G.L. c. 111, § 30, hereby issues a **Cease and Desist Order** to the Respondent identified above, for reasons stated herein.

### DESCRIPTION OF VIOLATION

The Respondent is a business, organization, or enterprise that offers some services that are permitted to be open during Phase III Step 1, and some services that are not permitted to be open. The Department of Labor Standard has received complaints that the Respondent has opened activities that are not permitted to be open.

### Activities Not Permitted in Phase III, Step 1

Prohibited activities include: Summer Music Cruise; and Group Charters with dancing. Bars, dance clubs and nightclubs – venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits is not eligible to reopen until Phase IV. <https://www.mass.gov/doc/phase-3-order-july-2-2020/download>.

### Activities Permitted in Phase III, Step 1

Examples of Respondent's activities that are permitted to be open are:
Shuttle/ferry services; Private Fast Ferry Charters; Group Charters and Tours (including Whale Watches)
Respondent is required to comply with MA COVID standards for: <ul style="list-style-type: none"><li>Guided Tours, <a href="https://www.mass.gov/info-details/safety-standards-and-checklist-museums-and-cultural-and-historical-facilities-and">https://www.mass.gov/info-details/safety-standards-and-checklist-museums-and-cultural-and-historical-facilities-and</a></li><li>For-Hire and Charter Vessels, <a href="https://www.mass.gov/doc/workplace-safety-and-reopening-standards-for-for-hire-and-charter-vessels-phase-iii-step-1/download">https://www.mass.gov/doc/workplace-safety-and-reopening-standards-for-for-hire-and-charter-vessels-phase-iii-step-1/download</a></li><li>Food Service, must comply with the Restaurant standard. Dancing is prohibited. <a href="https://www.mass.gov/doc/phase-iii-step-1-restaurants-protocol-summary/download">https://www.mass.gov/doc/phase-iii-step-1-restaurants-protocol-summary/download</a></li></ul>

## **PENALTY**

**Operation of Non Phase III Enterprise:** Violation of terms of COVID-19 Order Nos. 33, 37 or 43 may result in a civil fine up to \$300 per violation, in the manner provided for in M.G.L. c. 277, § 70C.

## **ENFORCEMENT**

The Department of Labor Standards is working jointly with the local Board of Health, to enforce this order. DLS and BPHC may be assisted by local Police, and State Police to enforce this **Cease and Desist Order**.

## **ABATEMENT**

Submit proof of compliance with this Cease and Desist Order within one business day of receipt of this order to the Department of Labor Standards at email [safepublicworkplacemailbox@mass.gov](mailto:safepublicworkplacemailbox@mass.gov) and Boston Public Health Commission at [environment@bphc.org](mailto:environment@bphc.org) or DLS call 508-616-0461, ext. 9488 or BPHC at 617-534-5965. Failure to provide proof of compliance may result in penalty.

## **OMBUDSMAN PROCEDURE**

An informal review of this **Cease and Desist Order** may be initiated by requesting an Ombudsman review within three (3) business days of receipt, counting the day this Order was received. The Respondent must either send an email to [safepublicworkplacemailbox@mass.gov](mailto:safepublicworkplacemailbox@mass.gov) with the email's Subject line including the request and the case number, for example, "Ombudsman Review Request, Case No. 20C-102099," or call 508-616-0461, ext. 9488 and make the same request on voicemail.

## **THIS NOTICE SHALL REMAIN IN EFFECT UNTIL:**

- 1) THE CEASE WORK ORDER IS RESCINDED BY THE DIRECTOR OF THE DEPARTMENT OF LABOR STANDARDS; OR**
- 2) GOVERNOR'S EXECUTIVE ORDER IS RESCINDED.**

Department of Labor Standards  
COVID-19 Response Team  
[safepublicworkplacemailbox@mass.gov](mailto:safepublicworkplacemailbox@mass.gov)  
508-616-0461, Ext. 9488

Boston Public Health Commission  
[environment@bphc.org](mailto:environment@bphc.org)  
617-534-5965