



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

NOTICE OF SUSPENSION

May 7, 2013

**HOPASH INC. DBA T.J. SPIRITS SOUTH**  
**355 WEST UNION ST.**  
**ASHLAND, MA 01721**  
**LICENSE#: 004000018**  
**VIOLATION DATE: 01/17/2013**  
**HEARD: 05/07/2013**

After a hearing on May 7, 2013, the Commission finds Hopash Inc. dba T.J. Spirits South in violation of 204 CMR 2.05 (1): Permitting gambling (1 Count).

The Commission **suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, June 26, 2013 and terminate on Thursday, June 27, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 26, 2013, at 9:00 A.M. It will be returned to the licensee Friday, June 28, 2013.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

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**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
File  
Administration

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# *The Commonwealth of Massachusetts*

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## **DECISION**

**HOPASH INC. DBA T.J. SPIRITS SOUTH  
355 WEST UNION ST.  
ASHLAND, MA 01721  
LICENSE#: 004000018  
VIOLATION DATE: 01/17/2013  
HEARD: 05/07/2013**

Hopash Inc. dba T.J. Spirits South (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 7, 2013, regarding an alleged violation of 204 CMR 2.05 (1): Permitting gambling (1 Count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Keefe's Investigative Report dated January 17, 2013.

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

## FACTS

1. On Thursday, January 17, 2013, at approximately 10:00 p.m., Investigators Kujawski, Kelleher, Wilichoski, and Keefe investigated the business operation of Hopash Inc. dba T.J. Spirits South to determine the manner in which their business was being conducted, and in response to a complaint filed with this Commission.
2. Investigators entered the premises and proceeded to the bar area to conduct an inspection.
3. Investigators observed numerous pieces of paper, which included writing in the top left hand corner stating, "\$20 Super Bowl." One side of the paper stated, "Team AFC", and the other side stated, "Team NFC" along with approximately 100 boxes on the paper with names in each box.
4. Investigators asked to speak with the manager or owner.
5. John Tomasz was called and met investigators at the establishment.
6. Investigators informed Mr. Tomasz of the complaint received, and the Super Bowl squares found during their inspection.
7. Mr. Tomasz stated that he does do Super Bowl squares at his bar, and he has been doing so for quite some time.

8. Investigators informed Mr. Tomasz that the Super Bowl squares are a form of gambling, which is against the law.
9. Mr. Tomasz stated that he would refund all the money to the parties who participated in his Super Bowl squares.
10. Mr. Tomasz stated that he would not allow illegal gambling to occur again on his premises.
11. Investigators informed Mr. Tomasz that a violation report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated of 204 CMR 2.05 (1): Permitting gambling (1 Count). Therefore, the Commission **suspends the license for five (5) days of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

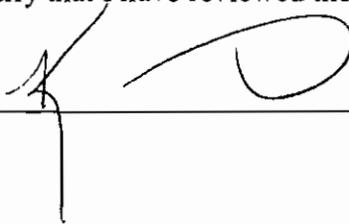
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner



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

Kim S. Gainsboro, Chairman



DATE: May 7, 2013

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.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
Administration  
File