

Abington Old Town Post #5737
VFW Building Assoc., Inc.
30 Central Street
Abington, MA 02351

NOTICE

After a hearing on October 19, 2010 the Commission finds Abington Old Town Post #5737 VFW Building Association Inc in violation of 204 CMR 2.05.

The Commission **suspends the licensee's license for a total of twelve (12) days of which nine (9) days will be served and three (3) will be held in abeyance for a period of two (2) years.** The suspension shall commence on **Wednesday, December 8, 2010 and terminate on Thursday, December 16, 2010.** The license will be delivered to the Abington Licensing Board or its designee on Wednesday, December 8, 2010 at 9:00 A.M. It will be returned to the licensee Friday, December 17, 2010.

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 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 30 days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

Dated at Boston, Massachusetts this 1st day of November 2010.

cc: Abington Licensing Board
Frederick G. Mahony, Chief Investigator
File

Re: Abington Old Town Post #5737 VFW Building Assoc., Inc.
Premise: 30 Central Street
City/Town: Abington, MA 02351
License #: 000200008
Heard: October 19, 2010

DECISION

Abington Old Town Post #5737 VFW Building Assoc., Inc. (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on October 19, 2010 regarding an alleged violation of 204 CMR 2.05. Prior to the commencement of the hearing, the licensee stipulated to the facts detailed in Investigator Michael Teehan's Report regarding the violations that occurred on August 12, 2010.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Michael Teehan's Report; and
3. Paper from a cash box containing currency and an attached note indicating points earned and machine number.

There is one (1) tape of this hearing.

FACTS

1. On, August 12, 2010 at approximately 10:00 p.m., Commission Investigators investigated the business operation of Abington Old Town Post #5737 VFW Building Assoc., Inc.
2. Investigators identified themselves to the bartender, Jim Calvani, and told Mr. Calvani they were there to conduct an inspection of the bar area.
3. Investigators found a cash box in plain view which contained US Currency and a piece of paper that indicated the machine number along with the payoff winnings on the electronic video devices.
4. Calvani stated to Investigators tat they do payoff for winnings on the electronic devices.

Conclusion

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05. The Commission **suspends the license for twelve (12) days of which nine (9) 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. In addition, the licensee must not possess in or on the licensed premises any automatic amusement device.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran , Commissioner_____

Kim S. Gainsboro, Chairman _____

Dated in Boston, Massachusetts this 2nd day of November 2010.

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 days of receipt of this decision.

cc: Local Licensing Board
 Frederick G. Mahony, Chief Investigator
 Michael Teehan, Investigator
 File