

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

*Steven Grossman*  
*Treasurer and Receiver General*

NOTICE OF SUSPENSION

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

January 23, 2012

**SPOKE ENTERPRISES, INC. DBA SPOKE**  
**35 EAST PLEASANT STREET**  
**AMHERST, MA 01002**  
**LICENSE#: 002400014**  
**HEARD: 01/10/2012**

After a hearing on January 10, 2012, the Commission finds Spoke Enterprises, Inc. dba Spoke in violation of Massachusetts General Laws c. 138, §34 (2 counts).

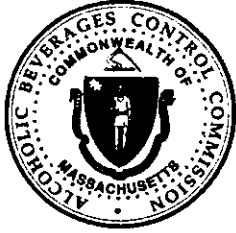
The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, March 14, 2012** and terminate on **Thursday, March 15, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, March 14, 2012 at 9:00 A.M. It will be returned to the licensee Friday, March 16, 2012.

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  
Brad Doyle, Investigator  
Administration  
File



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**DECISION**

**SPOKE ENTERPRISES, INC. DBA SPOKE**  
**35 EAST PLEASANT STREET**  
**AMHERST, MA 01002**  
**LICENSE#: 002400014**  
**HEARD: 01/10/2012**

Spoke Enterprises, Inc. dba Spoke (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 Tuesday, January 10, 2012, regarding an alleged violation of M.G.L. c. 138 §34 (2 counts) which occurred on April 8, 2011 according to Investigator Brad Doyle's Report.

The following documents are exhibits in evidence:

1. Exhibit 1: R.M.V. Printout of License for Lindsay A. Poole;
2. Exhibit 2: R.M.V. Printout of License for Noelle J. Fiori;
3. Exhibit 3: R.M.V. Printout of License for Andrea E. Arabadjis;
4. Exhibit 4: Photocopy of Two (2) Licenses: Noelle J. Fiori and Nicole Maria Silva; and
5. Exhibit 5: Investigator Doyle's Report dated April 8, 2011.

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

**FACTS**

1. On Friday, April 8, 2011, at approximately 12:00 a.m., Investigators Doyle, Keefe and Kenny, accompanied by the Amherst Police Department, investigated the business operation of Spoke Enterprises, Inc. dba The Spoke to determine the manner in which their business was conducted.
2. The investigators entered the premises and observed several youthful looking individuals in possession of alcoholic beverages.
3. Investigators approached separate groups of people, identified themselves, and asked to see identification.
4. The information recorded indicated the individuals were under twenty-one (21) years of age.
5. Miss Poole stated the drink in her possession was a rum and Coke.

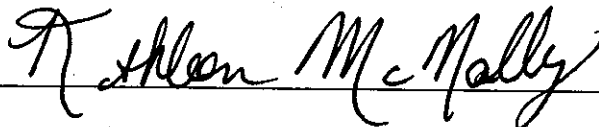
6. Miss Poole, date of birth 1/15/91, age twenty (20), provided investigators with a Massachusetts driver's license of Noelle Fiori, age twenty-three (23).
7. Miss Poole stated she used Miss Fiori's license to gain entry into the establishment.
8. Miss Arabadjis stated that the drink in her possession was a rum and Coke.
9. Miss Arabadjis, date of birth 4/27/90, age twenty (20), provided investigators with a Massachusetts driver's licence of Nicolle Silva, age twenty-five (25).
10. The eyes, nose and shape of the face, on Silva's identification, differed from Miss Arabadjis.
11. Miss Arabadjis stated she used Miss Silva's license to gain entry into the establishment.
12. Investigators spoke with the manager on duty, Jeff Staples, and showed him the identification used for entry and the individuals.
13. Investigators informed Mr. Staples of the violation, and that a report would be filed with the Chief Investigator for further action.
14. At the hearing before the Commission, the licensee, Mr. LeBlanc, testified that the incident did occur.
15. An administrative review of the files revealed that the licensee has had two (2) prior violations.
16. In 2001, for a Minor in Possession of Alcohol, for which the licensee received a WARNING.
17. In 2010 for a Minor in Possession, the licensee received a three (3) days suspension. The licensee paid a fine in lieu of suspension for the 2010 violation.
18. Administrative review also indicates the licensee has had ownership of the license since 1984.

### CONCLUSION

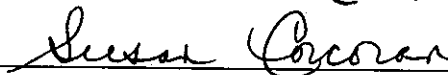
Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34 (2 counts). Therefore, the Commission **suspends the licensee's license for a period of four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. No offer in compromise will be considered for this penalty.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: January 23, 2011

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  
 Brad Doyle, Investigator  
 Administration  
 File