



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Tel. (617) 727-3040
Fax: (617) 727-1510

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

November 15, 2018

KMS INC. D/B/A BECKET COUNTRY STORE
609 MAIN ST
BECKET, MA 01223
LICENSE#: 0080-00021
HEARD: 11/14/2018

After a hearing on November 14, 2018, the Commission finds KMS Inc. d/b/a Becket Country Store violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of KMS Inc. d/b/a Becket Country Store **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 and a hearing before the Commission that the Licensee attends. 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 making payment to the Massachusetts State Lottery for the amount owed.

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

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack Carey, Investigator
Chris Gonsalves, Esq., Lottery
John DeSimas, Lottery
Administration, File



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DECISION

**KMS INC. D/B/A BECKET COUNTRY STORE
609 MAIN ST
BECKET, MA 01223
LICENSE#: 0080-00021
HEARD: 11/14/2018**

KMS Inc. d/b/a Becket Country Store (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Wednesday, November 14, 2018, regarding an alleged violation of M.G.L. c. 10 § 33, 961 CMR 2:20 (1) – All tickets provided to the Licensed Sales Agent by the Lottery¹, and all proceeds from the sale of such tickets, shall at all times remain the exclusive property of the Lottery. All such proceeds shall be deposited by the Sales Agent into the trust account established pursuant to 961 CMR 2.16 (1), at such times and on such terms as the Director may from time to time require.

The following documents are in evidence:

1. Investigator Carey's Investigative Report; and
2. Lottery Documents re: Licensee's Debt.

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

FINDINGS OF FACT

1. John DeSimas, Director of Credit and Collections for the Lottery, contacted the ABCC's Enforcement Division for assistance in bringing this former state lottery sales agent in compliance. (Exhibit 1)
2. The Lottery had been unable to arrange payment from the Licensee and as a result revoked its Sales Agent license and removed the Lottery machines from the licensed premises.

¹ Massachusetts State Lottery Commission is commonly referred to as "the Lottery."

3. On March 19, 2018, the Alcoholic Beverages Control Commission notified the Licensee via first class mail that a hearing would be held on Wednesday, April 18, 2018, regarding alleged violations of M.G.L. c. 10 § 33, 961 CMR 2:20.
4. The Licensee attended the hearing on April 18th. The record was left open to May 9, 2018 for the Licensee to set up a payment plan with the Lottery. A payment was received, and the Lottery requested the hearing be continued for 90 days.
5. On May 11, 2018, the ABCC notified the Licensee by first class mail that a hearing would be held on Wednesday, August 15, 2018, regarding alleged violations of M.G.L. c. 10 § 33, 961 CMR 2:20.
6. On August 8, 2018, the Lottery requested to postpone the August 15th hearing. The hearing was rescheduled to Wednesday, November 14, 2018, and the Licensee was notified via first class mail.
7. The Licensee did not appear at the scheduled hearing.
8. Attorney Chris Gonsalves appeared for the Massachusetts State Lottery (the "Lottery") and informed the Commission that Becket Country Store owes the Lottery over \$9,000. (Exhibit 2)

CONCLUSION

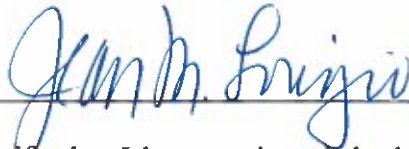
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of KMS, Inc., d/b/a Becket Country Store **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 and a hearing before the Commission that the Licensee attends. 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 making payment to the Massachusetts State Lottery for the amount owed.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



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

Kathleen McNally, Commissioner



Dated: November 15, 2018

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.

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