



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

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

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

**NOTICE OF SUSPENSION**

October 12, 2016

**BEVERLY FRANCO-AMERICAN CLUB, INC.**  
**44 PARK ST**  
**BEVERLY, MA 01915**  
**LICENSE#: 010000022**  
**VIOLATION DATE: From 1987 to Present**  
**HEARD: 10/11/2016**

After a hearing on October 11, 2016, the Commission finds Beverly Franco-American Club, Inc. violated:

- 1) M.G.L. c. 138, § 1 – Failure to file with the Commission annually a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages;
- 2) M.G.L. c. 138 § 15A – Change of Officers and Directors in the non-profit corporation without authorization.

The above-captioned Licensee's license is **SUSPENDED INDEFINITELY effective forthwith** until further written order of the Commission.

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

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Nicholas Velez, Investigator  
Scott Dullea, Esq. via facsimile 978-922-4055  
Administration, File



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**DECISION**

**BEVERLY FRANCO-AMERICAN CLUB, INC.**  
**44 PARK ST**  
**BEVERLY, MA 01915**  
**LICENSE#: 010000022**  
**VIOLATION DATE: From 1987 to Present**  
**HEARD: 10/11/2016**

Beverly Franco-American Club, Inc. (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, October 11, 2016, regarding alleged violations of:

- 1) M.G.L. c. 138, § 1 – Failure to file with the Commission annually a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages;
- 2) M.G.L. c. 138 § 15A – Change of Officers and Directors in the non-profit corporation without authorization.

Prior to the commencement of the hearing, the Licensee stipulated to the violations alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report;
2. Approved Application January 26, 1988;
3. Approved Application May 13, 1998;
4. Approved Application March 5, 1997;
5. Approved Application March 2, 1994;
6. Approved Application August 21, 1989;
7. Approved Application February 28, 1989;
8. Licensee's Article of Organization, June 30, 2015; and
9. Licensee's Stipulation of Facts.

- A. Certificate of Good Standing, Massachusetts Department of Revenue, August 11, 2016.

The Commission took Administrative Notice of the Licensee's Commission files.

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

### FINDINGS OF FACT

1. On December 21, 1987, Beverly Franco-American Club, Inc. filed an application for change of premises and change of manager. Within the application for change of premises, the Licensee listed its corporate officers, directors, and managers as:
  - President: David Moore;
  - Treasurer: Michael E. Masse;
  - Recording Secretary (Clerk): Bertrand R. Dionne, Jr.;
  - Director: Michael E. Masse;
  - Director: Fred Levasseur;
  - Director: Peter LeBlanc.
2. The Commission approved the application for change of premises and change of manager on January 26, 1988.
3. From July 19, 1963 to July 1, 2015, the Licensee has not filed any documents with this Commission indicating a change in officers and directors.
4. On May 11, 1998, the Licensee filed an application for change of manager to William A. Gates. The Commission approved the application on May 13, 1998. In the application Gates indicated he had been the president of the club for four years. Dennis Bernard, as secretary, signed the vote of the board which indicated Gates as president. Mr. Gates had signed the annual license renewal forms from 1999 to 2015.
5. On January 15, 1997, the Licensee filed an application for change of manager to R. Philip Marchand. The Commission approved the application on March 9, 1997. In the application Dennis Bernard, as secretary, signed the vote of the board indicating the manager was changing from Levasseur to Marchand.
6. On December 28, 1993, the Licensee filed an application for change of manager to Eugene Lamontague. The Commission approved the application on March 2, 1994. In a document with the Licensee's letterhead dated December 20, 1993, it indicates that Lamontague was elected President and the new manager was to be Frederick Levasseur. Mr. Levasseur is indicated as being a board member for several years. The officers and directors listed on the document are:
  - Chairman: Philip Marchand;
  - Vice President: Bruce Michaud;
  - Secretary: Roger Dionne;
  - Ronald Ducharme;
  - Charles Craig;
  - Wilfred Lessard; and
  - Frederick Levasseur.

7. On July 26, 1989, the Licensee filed an application for change of manager to Leo P. Bisaillon. The Commission approved the application on August 21, 1989.
8. On November 20, 1988, the Licensee filed an application for change of manager to Gordon D. Levasseur. The Commission approved the application on February 28, 1989.
9. On January 20, 1988, the Licensee filed an application for change of manager to Michael S. Beote. The Commission approved the application on January 26, 1988.
10. As of December 16, 2015, the Licensee's filings with the Secretary of the Commonwealth listed the corporate officers, directors, and stockholders as:
  - President and Treasurer: William Gates;
  - Vice President: Nancy Sauliner;
  - Clerk: Lisa Groppo;
  - Director: Robert Felix Sr.

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

- 1) M.G.L. c. 138, § 1 – Failure to file with the Commission annually a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages;
- 2) M.G.L. c. 138 § 15A – Change of Officers and Directors in the non-profit corporation without authorization.

The Commission **INDEFINITELY SUSPENDS** the license of Beverly Franco-American Club, Inc. **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 suspensions will include, but not be limited to, the Licensee filing with both the Commission and the local licensing authorities the appropriate application for approval of the current officers and directors of the Licensee.

In addition the Licensee must file the appropriate annual reports pursuant to M.G.L. c. 138, §1 for the last ten (10) years from calendar year 2007 through calendar year 2016.

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro, Chairman



Kathleen McNally, Commissioner



Dated: October 12, 2016

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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