



*Commonwealth of Massachusetts
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Alcoholic Beverages Control Commission
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Chairman

DECISION

Great Brook Farms, Inc. dba Great Brook Farms
356 Main Street
Bolton, MA 01740
License#: New
Heard: May 10, 2011

. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 10, 2011, to determine whether to approve the license application of Great Brook Farms, Inc. dba Great Brook Farms (the "License Applicant" or "Great Brooks") for an annual, wine and malt beverages, general-on-premises license under Section 12 of Chapter 138 of the General Laws.

FACTS

At hearing, the facts were not in dispute.

1. Bruce Slater is the corporate principal of Great Brook Farms Inc.
2. Bruce Slater is the proposed manager of a Great Brook Farms Inc. liquor license if approved.
3. The evidence submitted indicates that approximately twenty-five (25) years ago, circa 1986/87, Mr. Slater was found guilty of a violation of a state narcotic drug law. The evidence showed no other criminal convictions.
4. There was no other evidence submitted that reflected negatively on Mr. Slater's character and fitness to own a Section 12 license or an interest in a Section 12 license.

There is one (1) tape of this hearing.

DISCUSSION

The question presented is whether Mr. Slater is prohibited by the applicable provisions of Section 12 of Chapter 138 of the General Laws from being approved to be the license holder. General Laws Chapter 138, Section 12 provides, in pertinent part, that "[n]o license shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law."

General Laws Chapter 138 is a comprehensive and pervasive regulatory scheme in which the Commission "must of necessity pierce labels, look beyond form, and come to grips with the substance of the corporate relationship and the economic realities that are present." *Number Three Lounge, Inc. v. Alcoholic Beverages Control Commission*, 7 Mass. App. Ct 301 (1979). The Commission therefore applies to the individuals within a business entity, the statutory disqualifications.

The Commission has also previously noted that any criminal conviction is considered by the Commission and reviewed to determine how the conviction reflects on the character of the individual. When a conviction rises to the level of disqualification from owning a license, the Commission affords greater weight to the conviction in passing on an individual's character and fitness to hold a non-ownership position in a business holding an alcoholic beverages license in Massachusetts. To do otherwise would be to subvert the comprehensive and pervasive regulatory scheme set out on Chapter 138, see *Cellarmaster Wines Of Massachusetts, Inc. v. Alcoholic Beverages Control Commission*, 27 Mass.App.Ct. 25, 534 N.E.2d 21 (1989)(in reviewing any application, the Commission "must of necessity pierce labels, look beyond form, and come to grips with the substance of the corporate relationship and the economic realities that are present." *Number Three Lounge, Inc. v. Alcoholic Beverages Control Commission*, 7 Mass. App. Ct 301 (1979)).

The Commission notes that Massachusetts has any no law similar to New York. New York law creates a Certificate of Relief from Disabilities that provides that "a conviction of any crime ... specified in a certificate of relief from disabilities shall not cause automatic forfeiture of any . . . right or privilege . . . [n]or shall such conviction be deemed to be a conviction within the meaning of any provision of law that imposes, by reason of a conviction, . . . a disability to apply for or to receive any license, permit or other authority or privilege." New York Correction Law, Section 701. The Certificate of Relief from Disabilities issued specifies it was issued to "[r]elieve the holder of all disabilities and bars to employment, excluding the right to be eligible for public office." See *In Re: Legal Sea Foods, Inc. dba Legal Sea Foods*, Framingham (ABCC Decision dated December 13, 2005); *In Re: Beloff Billiards, Inc. dba Boston Billiard Club*, Boston (ABCC Decision dated March 13, 2002). Contrast *In Re: Linda Caruso Enterprises, Inc., dba Tom Caruso's Celebrity Room*, Chelsea (ABCC Decision dated May 4, 1993); *In Re: N.J. McKay, Inc. dba Mac's Two Lounge*, Billerica (ABCC Decision dated May 10, 1996). Based on the evidence in this case, the Commission must deny the application of Great Brook Farms Inc. for a Wine and Malt -General on Premise license.

CONCLUSION

The license application of Great Brook Farms Inc. dba Great Brook Farms for an annual, wine and malt beverages, general-on-premises license under Section 12 of Chapter 138 of the General Laws is DISAPPROVED.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner_____

Susan Corcoran, Commissioner_____

Dated: June 8, 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 Mahony, Chief Investigator
 Brad Doyle, Investigator
 File