

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

Steven Grossman
Treasurer and Receiver General

AMENDED
DECISION AND
ORDER OF DESTRUCTION

Kim J. Gainstoro, Esq.
Chairman

THE COLLEGE CLUB OF BOSTON, INC. DBA THE COLLEGE OF BOSTON
44 COMMONWEALTH AVE.
BOSTON, MA 02116
LICENSE#: 011601761
VIOLATION DATE: 05/23/2013
HEARD: 09/17/2013

The College Club of Boston, Inc. dba The College of Boston (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, September 17, 2013, regarding an alleged violation of M.G.L. c. 138 §23- Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22a (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
 2. Investigator Teehan's Investigative Report dated May 23, 2013;
 3. Photo of Refrigerated Storage Area showing Sam Adams beer;
 4. Photo of Refrigerated Storage Area showing Shock Top beer;
 5. Photo of Refrigerated Storage Area showing Sam Adams beer and Amstel Light beer; and
 6. Photo of Refrigerated Storage Area showing Cases of Wine and Beer.
- A. Photo of Storage Area with Door Open; and
B. Photo of Storage Area with Door Locked.

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

FACTS

1. On Thursday, May 23, 2013, at approximately 6:30 p.m., Investigators Kelleher and Teehan investigated the business operation of The College Club of Boston, Inc. dba The College of Boston to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and identified themselves to the office manager, Donald Farwell.
3. Investigators inspected the storage room and observed various types of alcoholic beverages.
4. Investigator Teehan spoke with the manager of record, Jesse Wolkiewicz, via telephone.
5. Mr. Wolkiewicz stated to Investigator Teehan that he had purchased all of the alcoholic beverages at a liquor store.

6. Investigator Teehan told Mr. Wolkiewicz that the alcoholic beverages purchased from the liquor store should not be removed from the licensed premises and should be stored under lock and key until such time as the Commission renders a decision.
7. Investigators informed Mr. Wolkiewicz of the violation and that a report would be filed for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated of M.G.L. c. 138 §23- Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22a (1 count). As the licensee has been in business for over one hundred (100) years and has had no previous violations, the Commission issues a **WARNING**.

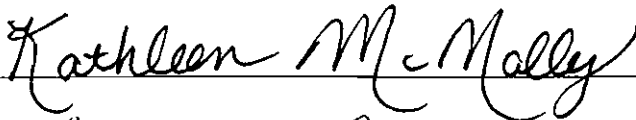
ORDER OF DESTRUCTION

Per M.G.L. c. 138, § 2, the alcoholic beverages may not be offered for sale in Massachusetts and these alcoholic beverages must be destroyed by the owner. The Commission **orders the Licensee to destroy the beverages listed in Attachment (A) pursuant to this Order of Destruction**. The licensee must submit the required plan for this Order of Destruction on or before October 31, 2013, as a condition of its license. The plan should:

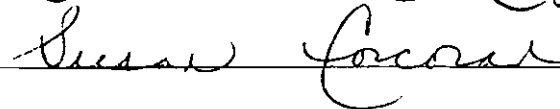
1. Specify the name, address and qualifications of the waste disposal;
2. State the implementations of the plan in details and date of;
3. Include affirmation that the plan complies with all laws of the Commonwealth but not limited to, the health and environmental laws of the Commonwealth; and
4. Include an acknowledgement that destruction and disposal shall be conducted only in the presence of a Commission Investigator.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



DATE: October 1, 2013

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
Michael Teehan, Investigator
Tara Kelleher, Investigator
Dennis Quilty, Esq. via facsimile 617-496-4624
Administration
File

ATTACHMENT A



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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

Alcohol Inventory List	Open Bottles	Full Bottles	Full Cases	
Harpoon			1	
Sam Adams			6	
Rolling Rock			3	
Guinness			1	
Amstel			2	
Michelob Ultra			1	
Merlot			2	
Pine Ridge Wine			1	
Pinot Noir			3	
Shock Top Beer			1	
Spartan Oktoberfest				1-12 Pack
Borhora Kristo			1	
Domaine Michelle		6		



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DECISION

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CONCLUSION

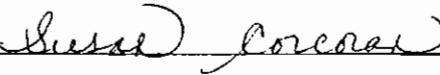
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ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



DATE: September 17, 2013

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cc: Local Licensing Board
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Michael Teehan, Investigator
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