



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

November 29, 2018

DENNIS R. COLLARD D/B/A ALMEIDA'S COUNTRY STORE
2050 COUNTY STREET
DIGHTON, MA 02715
LICENSE#: 0284-00014
HEARD: 11/14/2018

After a hearing on November 14, 2018, the Commission finds Dennis R. Collard d/b/a Almeida's Country Store violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Dennis R. Collard d/b/a Almeida's 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

DENNIS R. COLLARD D/B/A ALMEIDA'S COUNTRY STORE
2050 COUNTY STREET
DIGHTON, MA 02715
LICENSE#: 0284-00014
HEARD: 11/14/2018

Dennis R. Collard d/b/a Almeida's Country Store (the "Licensee" or "Almeida's") 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. As the Lottery was unable to arrange payment from Almeida's, the Lottery revoked its Sales Agent license and removed the Lottery machines from the licensed premises.
2. John DeSimas, Director of Credit and Collections for the Lottery, contacted the ABCC's Enforcement Division for assistance to bring this former state lottery sales agent in compliance. (Exhibit 1)

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

3. On May 24, 2018, the Alcoholic Beverages Control Commission notified the Licensee via first class mail that a hearing would be held on Wednesday, July 18, 2018, regarding alleged violations of M.G.L. c. 10 § 33, 961 CMR 2:20.
4. On July 11, 2018, Dennis R. Collard, the license manager of record, requested a continuance for the July 18th hearing as he was ill and unable to attend the hearing. The hearing was rescheduled to Tuesday, July 31, 2018.
5. On July 20, 2018, Allison O'Keefe, financial associate for the Lottery, contacted the Commission requesting to reschedule the hearing as the Lottery's attorney was not available. The hearing was rescheduled to Thursday, August 30, 2018.
6. On August 29, 2018, Allison O'Keefe requested the August 30th hearing be continued for three months. The hearing was rescheduled to November 14, 2018.
7. The Licensee did not appear at the scheduled hearing. The Licensee did not contact the Commission to reschedule the hearing or to request a continuance.
8. Attorney Chris Gonsalves appeared for the Massachusetts State Lottery (the "Lottery") and informed the Commission that Almeida's owes the Lottery over \$20, 000. (Exhibit 2)
9. Attorney Gonsalves explained the process by which the Lottery determines when a Licensed Sales Agent has insufficient funds.
10. Allison O'Keefe requested that the Commission indefinitely suspend the license.

CONCLUSION

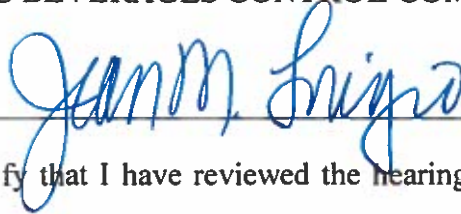
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Dennis R. Collard d/b/a Almeida's 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 29, 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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