

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

*Steven Grossman*  
*Treasurer and Receiver General*

**DECISION**

*Kim J. Gainsboro, Esq.*  
*Chairman*

**A.J. Leaver, Corp. dba Back to the Boathouse**  
**294 Tyngsborough Road**  
**Dracut, MA 01826**  
**License#: 029200030**  
**Heard: August 23, 2011**

A.J. Leaver, Corp. dba Back to the Boathouse (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, August 23, 2011, regarding an alleged violation of M.G.L. c.94, §186 (3 counts). Prior to the commencement of the hearing the licensee stipulated to the facts detailed in Investigator Michael Teehan report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Michael Teehan's Report; and
3. Three (3) Bottles of Contaminated Alcohol.

There is one (1) tape of this hearing.

**FACTS**

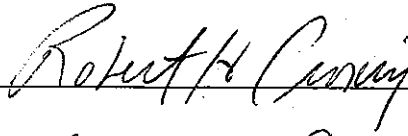
1. On Tuesday, May 17, 2011, Investigators inspected the business operation of A.J. Leaver, Corp. dba Back to the Boathouse.
2. The investigators observed three (3) bottles containing fruit flies.
3. A bottle of Bushmill's Black Bush Irish Whiskey was contaminated.
4. A bottle of Juarez Tequila Gold Anisette was contaminated.
5. A bottle whose label was badly torn and unreadable was contaminated.
6. Administrative review of the file indicates this was the first violation by the licensee in three (3) years of existence.

**CONCLUSION**

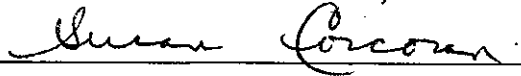
Based on the evidence, the Commission finds the licensee violated M.G.L. c.94, §186 (3 counts). Therefore, the Commission **suspends the license for three (3) days of which one (1) day will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission regulations occur.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Robert H. Cronin, Commissioner



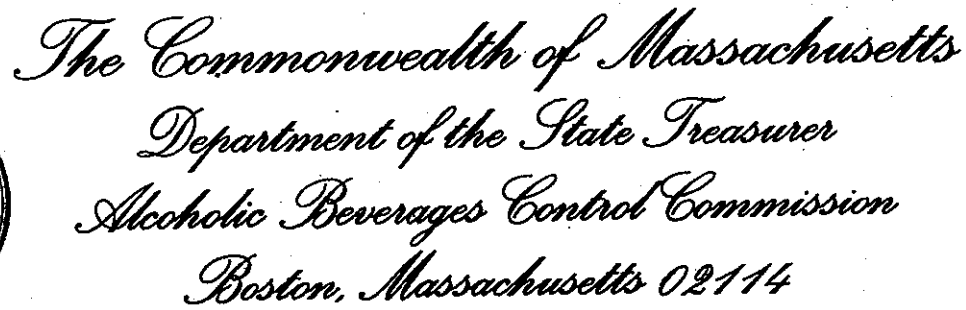
Kim S. Gainsboro, Chairman



Dated: October 5, 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 G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
Administration  
File



Kim J. Gainsboro, Esq.  
Chairman

13. Annual number of days of operation:  
Example: \_\_\_\_\_
- 7 day annual operation = 365
  - 6 day annual operation = 313
  - All others (Special Licenses/Seasonal Licenses)  
enter actual days of operation during the year  
preceding the violation date: \_\_\_\_\_
14. Daily gross alcoholic beverage profit  
(Divide Line 12 by Line 13) \$ \_\_\_\_\_
15. Enter 50% of amount indicated on Line 14: \$ \_\_\_\_\_
16. Daily Fine (enter the greater of Line 15 or \$40.00): \$ \_\_\_\_\_
17. Enter the number of days the License is suspended:  
(From Line 5b.) \_\_\_\_\_
18. Offer in Compromise:  
(Multiply Line 16 by Line 17) \$ \_\_\_\_\_

**Signed Under the Penalties of Perjury,**

\_\_\_\_\_  
Signature of Licensee (If Licensee is a Corporation, Manager of Record signs)

### ACCOUNTANT'S CERTIFICATION

I swear under the pains and penalties of perjury that the figures contained in the petition are correct based on the books and records of the above referenced licensee.

\_\_\_\_\_  
Signature of Licensed Public Accountant

\_\_\_\_\_  
Mass. License No.

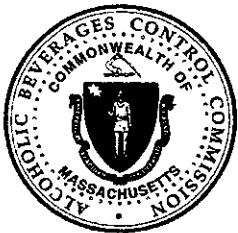
\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name Clearly Licensed Public Accountant

\_\_\_\_\_  
Print Address Clearly Licensed Public Accountant

#### PLEASE NOTE:

- Offer **MUST** be delivered to the A.B.C.C. within 20 calendar days after receipt of Commission's Decision.
- Offer **MUST** be accompanied by a Bank or Certified check for the full amount on Line 18 made payable to the Commonwealth of Massachusetts, A.B.C.C.
- Offer **MUST** be examined and certified by a Massachusetts Licensed Accountant.



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

*Steven Grossman*  
*Treasurer and Receiver General*

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

NOTICE OF SUSPENSION

October 5, 2011

**A.J. Leaver, Corp. dba Back to the Boathouse**  
**294 Tyngsborough Road**  
**Dracut, MA 01826**  
**License#: 029200030**  
**Heard: August 23, 2011**

After a hearing on August 23, 2011, the Commission finds A.J. Leaver, Corp. dba Back to the Boathouse in violation of Massachusetts General Laws c. 94, §186.

The Commission **suspends the licensee's license for a total of one (1) day to be served**. The suspension shall commence on **Wednesday, November 30, 2011** and terminate on **Wednesday, November 30, 2011**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 30, 2011 at 9:00 A.M. It will be returned to the licensee Thursday, December 1, 2011.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

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

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
File