

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

September 28, 2011

Leroy's, Inc. dba Crackers
2083 Bridge Street
Dracut, MA 01826
License #: 029200004
Heard: 07/26/2011

After a hearing on July 26, 2011, the Commission finds Leroy's, Inc. dba Crackers in violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2).

The Commission **suspends the licensee's license for a total of five (5) days to be served**. The suspension shall commence on **Wednesday, November 16, 2011 and terminate on Sunday, November 20, 2011**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 16, 2011 at 9:00 A.M. It will be returned to the licensee Monday, November 21, 2011.

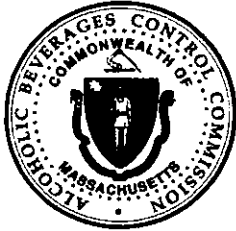
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Rose Bailey, Investigator
Administration
File



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

Steven Grossman
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DECISION

Leroy's, Inc. dba Crackers
2083 Bridge Street
Dracut, MA 01826
License #: 029200004
Heard: 07/26/2011

Leroy's, Inc. dba Crackers (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, July 26, 2011, regarding an alleged violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Rose Bailey's Report;
3. Envelope containing ten dollars (\$10.00) in U.S Currency; and
4. Memorandum from Investigator Teehan.

There is one (1) tape of this hearing.

FACTS

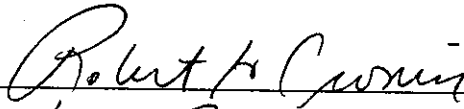
1. On April 22, 2011, Investigator's Kujawski and Bailey entered Leroy's, Inc. dba Crackers in an undercover capacity.
2. They observed two (2) electronic video devices.
3. Investigator Bailey placed twenty (20) dollars of U.S. currency into the "Jacks or Better" machine.
4. The investigator played for a period of time and asked the female bartender to cash out with forty (40) credits on the machine.
5. The bartender came over to the machine reached behind its left side and reset the credit amount to zero (0).
6. She went back behind the bar, opened a drawer opposite of the cash register and removed ten (10) dollars of U.S. currency from it.
7. The bartender handed the Investigator the ten (10) dollar bill.
8. Administrative review of the file indicates the licensee has had two (2) previous violations in thirty (30) years of existence.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2). Therefore, the Commission **suspends the licensee's license for a period of five (5) days. In addition, the licensee must not possess in or on the licensed premises any automatic amusement device or video poker machine.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

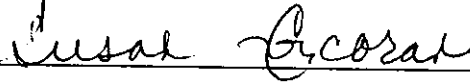
Robert H. Cronin, Commissioner



Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Dated: September 28, 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
Rose Bailey, Investigator
John F. Cox, Esq.
Administration
File