



*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

July 11, 2017

**SANDPIPERS SPORTS PUB INC. D/B/A SANDPIPERS SPORTS PUB
4940 STATE HIGHWAY
EASTHAM, MA 02642
LICENSE#: 036400045
HEARD: 06/29/2017**

After a hearing on June 29, 2017, the Commission finds Sandpipers Sports Pub Inc. d/b/a Sandpipers Sports Pub violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Sandpipers Sports Pub Inc. d/b/a Sandpipers Sports Pub **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.

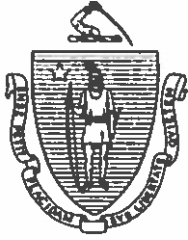
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in cursive script, reading "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack Carey, Investigator
Jan Kujawski, Investigator
Jay Harney, Lottery
Mail to: P.O. BOX 1119, Wellfleet, MA 02663
Administration, File



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DECISION

**SANDPIPERS SPORTS PUB INC. D/B/A SANDPIPERS SPORTS PUB
4940 STATE HIGHWAY
EASTHAM, MA 02642
LICENSE#: 036400045
HEARD: 06/29/2017**

Sandpipers Sports Pub Inc. d/b/a Sandpipers Sports Pub (the “Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the “Commission” or “ABCC”) held a hearing on Thursday, June 29, 2017, 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;
2. Lottery All Games Invoice, 10/18/2016;
3. NSF Agent Report, 10/18/2016; and
4. Lottery and Gaming Commission Past Due Notices.

The Commission took Administrative Notice of the Licensee’s Commission files.

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

FINDINGS OF FACT

1. On March 3, 2017, the Alcoholic Beverages Control Commission notified the Licensee via first class mail that a hearing would be held on Thursday, April 13, 2017 regarding alleged violations of M.G.L. c. 10 § 33, 961 CMR 2:20.

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

2. On April 11, 2017, Robin Wignot, the license manager of record, requested a continuance for the April 13th hearing as her attorney was not available and she had would have to close the restaurant in order to attend the hearing.
3. The Commission allowed Ms. Wignot's request, and a hearing notice for the new date, Thursday, June 29, 2017, was mailed to the Licensee.
4. On June 29, 2017, at approximately 11:25 a.m., Robin Wignot telephoned Patricia Hathaway, the Commission's administrative assistant, to report that she would not attend the hearing. Ms. Wignot stated that the restaurant has closed last Thursday [June 22, 2017], she was broke and had filed for bankruptcy. (Testimony)
5. Ms. Hathaway asked her if she had turned in her liquor license to the Local Board. Ms. Wignot said she had not but she intended to find her liquor license and turn it into the Local Board today. (Testimony)
6. Ms. Hathaway further instructed Ms. Wignot to send in a letter stating the business was closed and supply the contact information for her attorney. (Testimony)
7. Investigator Kujawski then contacted the Town of Eastham and spoke to Karen Chimwaza, office assistant for the Health Department [which oversees liquor licensing]. Ms. Chimwaza stated that she had spoken to Ms. Wignot who reported the restaurant was closed last Friday [June 23, 2017], but that the Town had not been able to confirm the business was shuttered. (Testimony)
8. The Licensee did not appear at the scheduled hearing.
9. Jay Harney appeared for the Massachusetts State Lottery (the "Lottery") and informed the Commission that Sandpipers owes the Lottery over \$17, 000. (Exhibits 2)
10. Mr. Harney explained the process by which the Lottery is notified when a Licensed Sales Agent has insufficient funds. (Exhibit 3)
11. Mr. Harney stated the Lottery had tried to contact Sandpipers to arrange a payment plan on several occasions, without success. (Exhibit 4)
12. When the Lottery was unable to arrange payment from Sandpipers, the Lottery revoked its Sales Agent license and removed the Lottery machines from the licensed premises.
13. 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.

CONCLUSION

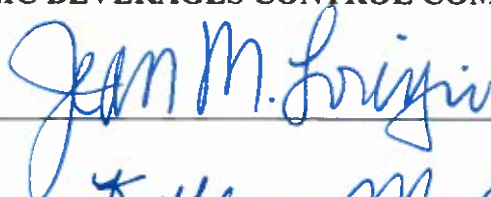
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Sandpipers Sports Pub Inc. d/b/a Sandpipers Sports Pub **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



Kathleen McNally, Commissioner



Dated: July 11, 2017

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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