

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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

MEMORANDUM AND ORDER ON LICENSEE'S
REQUEST FOR RECONSIDERATION

ALBA DESIMONE d/b/a STADIUM GAS
35 EVERETT AVE.
EVERETT, MA 02149
LICENSE#: 038200102
VIOLATION DATE: 10/18/2013
HEARD: 01/20/2016

Alba DeSimone d/b/a Stadium Gas holds an alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 17, 2013, regarding an alleged violation of M.G.L. c.138 §23 - Transfer of the privilege of a license without proper approval.

By decision dated January 28, 2014, the Commission found the Licensee in violation of the charge and indefinitely suspended the License effective forthwith until further written order from this Commission.

The Commission stated that it would consider issuing a further order upon written request of the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the licensee attends. The January 28, 2014 decision specifically provided as follows:

Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspensions will include, but not be limited to the applicant filing with both the Commission and the Local Licensing Authorities the appropriate license transfer application pursuant to M.G.L. chapter 138, section 23, and that appropriate application if granted by the local licensing authorities and approved by the Commission.

By letter dated December 9, 2015, the Licensee requested a hearing to reconsider the indefinite suspension. The Licensee attended a hearing before the Commission on January 20, 2016, and argued that good cause exists to reconsider the indefinite suspension. On November 16, 2015, the Everett Local Board approved an application to transfer this license to another location in Everett. The application is pending before the Commission.

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

CONCLUSION

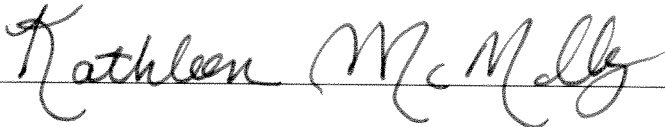
The documents the Licensee provided convinced the Commission that the Licensee has fully complied with the prior order.

Based on the evidence presented at the hearing, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license Alba DeSimone d/b/a Stadium Gas **effective forthwith.**

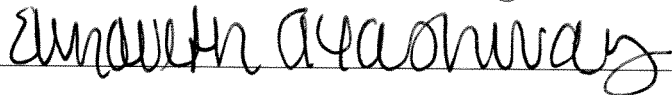
The indefinite suspension is reconsidered and reversed to a suspension of time served from January 28, 2014 to January 20, 2016.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: January 20, 2016

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
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Caroline Guarino, Investigator
Christopher Temple, Investigator
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Administration
File