



*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

**MEMORANDUM AND ORDER ON LICENSEE'S
REQUEST FOR RECONSIDERATION**

**CLEGHORN ATHLETIC ASSOCIATION D/B/A ST. JOSEPH CLUB
109 OAK HILL ROAD
FITCHBURG, MA 01420
LICENSE#: 039400041
VIOLATION DATE: 05/19/2016
HEARD: 03/15/2017**

Cleghorn Athletic Association d/b/a St. Joseph Club (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, February 21, 2017, regarding alleged violations of:

- 1) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 23K §37 (a) Operating or permitting to be operated a game or gaming device;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 140 §177A (6) No person keeping or offering for operation, or allowing to be kept or offered for operation, any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling;
- 3) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 26- Operating licensed premises without an approved manager (1 Count);
- 4) M.G.L. c. 138, § 15A - Change of officers/directors in the non-profit corporation without authorization. (Since 1973)

By decision dated February 28, 2017, the Commission found the Licensee in violation of the charges 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 Licensee has filed with both the Commission and the local licensing authorities the appropriate application for approval of a new manager of record and the current officers and directors of the Licensee.

By letter dated March 9, 2017, the Licensee requested permission to have on premises two arcade type machines, Bowling game and Golden Tee Golf. By letter dated March 10, 2017, the Licensee requested a hearing to reconsider the indefinite suspension.

The proposed Manager of Record and members of the Board of Directors attended a hearing before the Commission on March 15, 2017, and argued that good cause exists to reconsider the indefinite suspension.

There is one (1) audio recording of this hearing. The Commission took administrative notice of the Commission records regarding this Licensee.

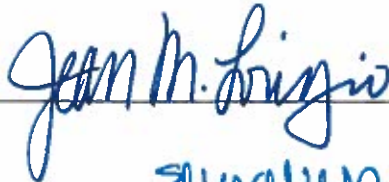
CONCLUSION

Based on the evidence presented at the hearing, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of Cleghorn Athletic Association d/b/a St. Joseph Club **effective forthwith**.

The Commission **AMENDS** its prohibition on the possession of automatic amusement devices or video poker machines and **ALLOWS** the Licensee to have Bowling game and Golden Tee Golf which the Licensee states will be used for entertainment purposes only. This order does not negate the Licensee's obligation to obtain the proper license for said amusement devices from the Local Licensing Authority.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Dated: March 15, 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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Rose Bailey, Investigator
Administration, File