

**Memorandum and Order on  
Reconsideration of  
Indefinite Suspension**

**J.R.'s, Inc.  
14 North Street  
Fitchburg, MA 01420  
License #: 03900045  
Heard: 07/19/2011**

J.R.'s, Inc. (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 Thursday, July 19, 2011, regarding an alleged violation of M.G.L. c.138, §23. By decision dated September 14, 2011, the Commission **INDEFINITELY SUSPENDED** the license of J.R.'s, Inc. **effective forthwith**, until further written order of the Commission.

The Commission held that it would consider issuing a further order upon written request of the Licensee or the Commission's consideration of a Bona Fide application to transfer the license.

The Commission received and considered a Bona Fide application to transfer the license. That bona fide application was approved. The Commission hereby sua sponte reconsiders the prior order of indefinite suspension and in place thereof order a suspension of the license for the time already served.

**CONCLUSION**

Based on the evidence, the Commission reconsiders and reverses its prior order of INDEFINITE SUSPENSION of J.R.'s, Inc.'s license **effective forthwith**. The Commission orders **in place thereof order a suspension of the license for the time already served**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner \_\_\_\_\_

Robert H. Cronin, Commissioner \_\_\_\_\_

Dated: September 29, 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: File  
Local Licensing Board  
Frederick Mahony, Chief Investigator

Caroline Guarino, Investigator

NOTICE OF SUSPENSION

**J.R.'s, Inc.**  
**14 North Street**  
**Fitchburg, MA 01420**  
**License #: 03900045**  
**Heard: 07/19/2011**

After hearing on July 19, 2011 the Commission finds J.R.'s, Inc. in violation of:  
M.G.L. Ch.138 §23- Transfer of the privilege of a license without proper approval.

The above-captioned licensee's license is **indefinitely suspended forthwith until further order of the Commission** until further order from this Commission.

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.

A handwritten signature in black ink, appearing to be 'K S Gainsboro', written in a cursive style.

Kim S. Gainsboro  
Chairman

Dated: September 14, 2011

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Caroline Guarino, Investigator  
File

## **DECISION**

**J.R.'s, Inc.**  
**14 North Street**  
**Fitchburg, MA 01420**  
**License #: 03900045**  
**Heard: 07/19/2011**

J.R.'s, Inc. (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 19, 2011, regarding an alleged violation of M.G.L. c. 138 §23, detailed in investigator Caroline Guarino's report.

The following documents are in evidence:

1. Investigator Caroline Guarino's Report; and
2. Application for Robert H. Campbell.

There is one (1) tape of this hearing.

## **FACTS**

1. This entity has been in business since 1985 and had dissolution by court order by the Secretary of Commonwealth's office on August 31, 1998.
2. The sole officer and director passed away in January of 2001.
3. He was also the sole shareholder.
4. His children became administrators of his estate in equal shares.
5. One of the decedent's children, Susan Campbell, was operating the business not aware that the corporation was dissolved.
6. Susan Campbell believed that the license was transferred to her husband by her father and that the proper procedures had taken place.
7. Taxes were also paid under family corporation sole proprietor Robert H. Campbell.

## **DISCUSSION**

Technically, the husband of the decedent's daughter had been operating a business under an illegal transfer, while still paying taxes for it under his name. The decedent's son stated that when his father was sick, he and his sister believed their father transferred the license properly to Mr. Campbell and were not aware that the corporation was dissolved because neither he nor his sister did any of the corporate paperwork.

### CONCLUSION

The Commission finds that the Licensee violated Ch. 138, §23 transfer of the privilege of a license without proper approval. The Commission therefore **indefinitely suspends the license forthwith until further order of the Commission. The Commission will consider issuing a further order upon written request of the Licensee or the Commission's consideration of a *Bona Fide* application to transfer the license.**

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner\_\_\_\_\_

Robert H. Cronin, Commissioner\_\_\_\_\_

Dated: September 14, 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  
          Caroline Guarino, Investigator  
          Administration  
          File