



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358

Jean M. Lorizio, Esq.
Chairman

DECISION

BOB MARTIN'S BAR INC. D/B/A SOUTH GARDNER HOTEL
8 EAST BROADWAY
GARDNER, MA 01440
LICENSE#: 00008-HT-0436
HEARD: 6/15/2022

This is an appeal of the action of the City of Gardner Licensing Board (the "Local Board" or "Gardner") in suspending the M.G.L. c. 138, § 12 all alcoholic beverages license of Bob Martin's Bar Inc. d/b/a South Gardner Hotel ("Licensee") located at 8 East Broadway, Gardner, Massachusetts for two (2) days. The Licensee timely appealed the Local Board's decision to the Alcoholic Beverages Control Commission (the "Commission" or "ABCC"), and a hearing was held via Microsoft Teams on Wednesday, June 15, 2022.

The following documents are in evidence:

A. City of Gardner's Notice of Waiver.

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

FINDINGS OF FACT

1. Bob Martin's Bar Inc. d/b/a South Gardner Hotel ("Licensee" or "South Gardner Hotel") operates a business with a principal office located at 8 Broadway, Gardner, Massachusetts. The Licensee holds a § 12 all-alcoholic beverages license which was approved by the Commission on December 26, 1985. (Commission records)
2. The Applicant timely appealed the Local Board's decision of January 12, 2022 to the Commission, and subsequently, the Commission issued a Notice of Appeal Hearing dated May 13, 2022, to be held June 15, 2022. (Commission Records)
3. On June 14, 2022, Counsel for the City of Gardner submitted a Notice of Waiver to the ABCC wherein Gardner waived its right to contest the appeal by the Licensee and informed the ABCC that it would not be appearing at the hearing on June 15th. (Exhibit A)
4. On Wednesday, June 15, 2022, the appeal hearing was held as scheduled.
5. The Licensee and his Counsel appeared at the Commission hearing and argued that given the Notice of Waiver along with the fact that the Local Board presented no evidence to

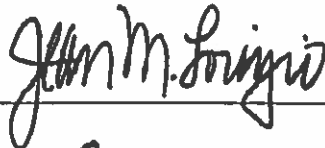
support the finding of a violation, that no violation be found, and no penalty be imposed upon the Licensee.

CONCLUSION

Therefore, the Commission **DISAPPROVES** the action of the City of Gardner Licensing Board in suspending the license of Bob Martin's Bar Inc. d/b/a South Gardner Hotel for two (2) days. The Commission remands the matter to the Local Board with the recommendation that no further action be taken against the licensee as any penalty would be discrepant with this Decision.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: August 18, 2022

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Jerrold Paquette, Esq.
John Flick, Esq.
Frederick G. Mahony, Chief Investigator
Local Licensing Board
Administration, File