



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 OF
INDEFINITE SUSPENSION

THE AMERICAN LEGION GOVONI POST #387 INC.
94 MAIN STREET
KINGSTON, MA 02364
LICENSE#: 056800004
VIOLATION DATE: 09/24/2014
HEARD: 06/09/2015

The American Legion Govoni Post #387 Inc. (the "Licensee") holds an alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 7, 2015, regarding an alleged violation of M.G.L. c. 138 §64 Failure to Comply with a Commission Order and Terms of Suspension.

By decision dated April 14, 2015, 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 April 14, 2015 decision provided that:

Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension includes, but is not limited to, the Licensee complying with the Commission order and removing all video poker machines and automatic amusement devices from the licensed premises.

By letter dated May 19, 2015, the Licensee requested a hearing to reconsider the indefinite suspension. The Licensee, along with Counsel, attended a hearing before the Commission on June 9, 2015, and argued that good cause exists to reconsider the indefinite suspension.

Although not the subject matter of the original violation hearing, the Licensee submitted the required appropriate annual reports pursuant to M.G.L. c. 138, §1, for the calendar years 2005 through 2015. Counsel for the Licensee represented that all officers and directors of the corporation are current with the Local Board and the Commission, and registered with the Secretary of State's Office.

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

CONCLUSION

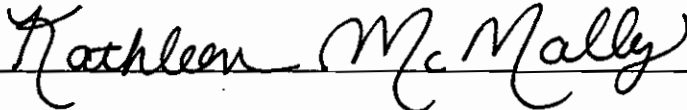
The evidence provided by the Licensee convinced the Commission that the Licensee has fully complied with the prior order. Counsel for the Licensee stated that all video poker machines, gaming devices, and automatic amusement devices have been removed from the licensed premises, in compliance with the Commission order.

Based on the evidence presented at the hearing, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of The American Legion Govoni Post #387 Inc. **effective forthwith.**

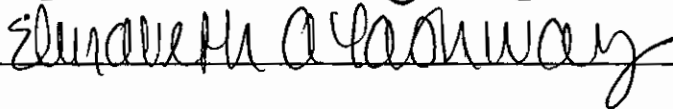
The indefinite suspension is reconsidered and reversed to a suspension of time served from April 14, 2015 to June 12, 2015.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: June 12, 2015

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
Dennis Keefe, Investigator
Mark Kenny, Investigator
Nicholas Velez, Investigator
Philip H. Barthel, Esq. via facsimile 781-740-0768
Administration
File