



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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**THE WHEELOCK INN LLC**  
**82 WHEELOCK**  
**MILLBURY, MA 01527**  
**LICENSE#: 071200014**  
**HEARD 2/28/2012**

The Wheelock Inn LLC (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, February 28, 2012, regarding an alleged violation of M.G.L. c. 94 §186 (7 counts). Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Dennis Keefe's Investigative Report.

The following documents and physical items are in evidence as exhibits:

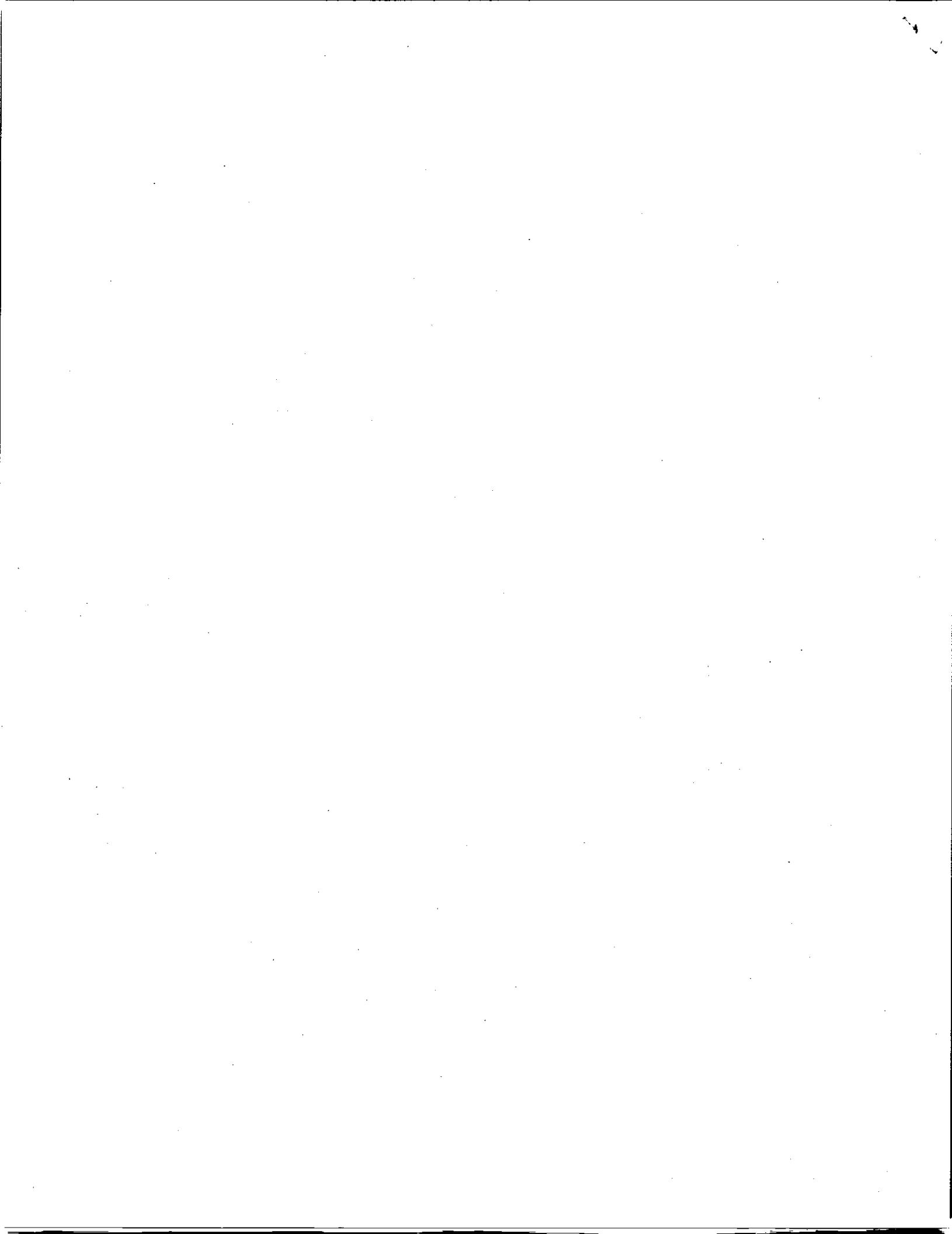
1. Licensee's Stipulation of Facts;
  2. Investigator Keefe's Investigative Report dated December 2, 2011; and
  3. Seven (7) bottles of alcoholic beverages.
- A. Millbury Health Department Food Establishment Inspection Report dated January 27, 2012 for The Wheelock Inn LLC.

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

**FACTS**

1. On Friday, December 2, 2011, at approximately 3:00 p. m., Investigators Brad Doyle and Dennis Keefe investigated the business operation of The Wheelock Inn LLC to determine the manner in which their business was being conducted.
2. Investigators identified themselves to a female bartender, and asked to speak with the manager or owner.
3. The female bartender contacted Mr. Steven Nevalsky, the manager and owner, by telephone.
4. Investigators informed Mr. Nevalsky (by phone), that the Commission had received an anonymous complaint, and they would conduct an inspection of the licensed premises.
5. Investigators discovered an empty bottle with a Lenny's Liquors label.

2772 3469



6. Investigators observed seven (7) bottles of alcoholic beverages containing fruit flies and other foreign matter.
7. The seven (7) bottles taken into evidence were:
  - a) Arrow Strawberry Schnapps, 1 liter;
  - b) Arrow Anisette, 1 liter;
  - c) Jim Beam, 1 liter;
  - d) Dekuyper Sour Apple Pucker, 1 liter;
  - e) Sauza Giro Tequila Blanco, 1 liter;
  - f) Jo[h]nnie Walker Red Label, 1 liter; and
  - g) Poland Spring Brandy, 1 liter.
8. Investigators provided Mr. Nevalsky with a list of the confiscated evidence.
9. Investigators warned Mr. Nevalsky regarding the purchase of package store alcoholic beverages.
10. Investigators informed Mr. Nevalsky of the violation, and that a report would be submitted to the Chief Investigator for review.
11. Investigator Keefe conducted an administrative review of the licensee's file. The licensee has held this license since February 17, 2007, and has no previous violations.

#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated of M.G.L. c. 94 §186 (7 counts). The Commission **suspends the license for seven (7) days, of which seven (7) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: February 28, 2012

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  
Administration  
File

