



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

*Steven Grossman*  
*Treasurer and Receiver General*

NOTICE OF SUSPENSION

*Kim S. Gainsboro, Esq.*  
*Chairman*

October 6, 2011

**St. Stanislaus B&M Society, Inc.**  
**6K Street**  
**Montague, MA. 01376**  
**License#: 07780061**  
**Heard: August 23, 2011**

After a hearing on August 23, 2011, the Commission finds St. Stanislaus B&M Society, Inc. in violation of 204 CMR 2.05 (1), 204 CMR 2.05(2) and M.G.L. c. 94, §186 (10 counts).

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, November 30, 2011 and terminate on Thursday, December 1, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 30, 2011 at 9:00 A.M. It will be returned to the licensee Friday, December 2, 2011.

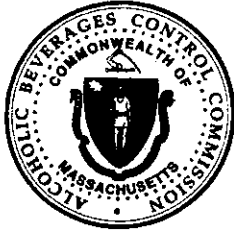
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

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.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Rose Bailey, Investigator  
Administration  
File



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**DECISION**

**St. Stanislaus B&M Society, Inc.**  
**6K Street**  
**Montague, MA. 01376**  
**License#: 07780061**  
**Heard: August 23, 2011**

St. Stanislaus B&M Society, 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, August 23, 2011, regarding an alleged violation of 204 CMR 2.05 (1), 204 CMR 2.05(2) and M.G.L. c. 94, §186 (10 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Rose Bailey's Report; and
3. Box of ten (10) Contaminated Bottles of Alcohol.

There is one (1) tape of this hearing.

**FACTS**

1. On Wednesday, June 8, 2011, Investigators Doyle, Teehan and Bailey inspected St. Stanislaus B&M Society, Inc. relative to a filed complaint.
2. The investigators observed four (4) electronic video devices to the left of the entrance door.
3. The bartender tried to contact the licensed manager without success.
4. The investigators inspected the bar area and found a metal cash box containing U.S. currency.
5. The box was used to deposit and payout money from the electronic video devices.
6. A pad of paper was next to the metal box.
7. The pad of paper was used as a log to indicate credits paid out from the electronic video devices.
8. The investigators inspected each device.
9. Each device accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20).
10. Each device had a "knock off" mechanism to reset the credits to zero (0).
11. Each device had a back-up battery in place.
12. Each device had electronic dipswitches to set all odds.
13. Each device had meters within the unit to record credits in and credits out.
14. One (1) device contained three hundred and thirty-one (331) dollars of U.S. currency in its bin.
15. The other devices did not contain U.S. within the money bins.
16. The bartender told the investigators how the payouts were conducted.

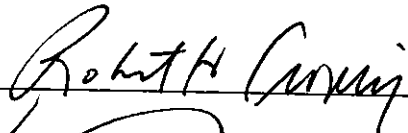
17. The investigators observed ten (10) bottles of alcoholic beverages containing fruit flies.
18. One (1) liter bottle of Leroux Creme de Mint contained fruit flies.
19. One (1) liter bottle of Leroux Ginger Brandy contained fruit flies.
20. One (1) liter bottle of Bacardi Select Rum contained fruit flies.
21. One (1) liter bottle of Smirnoff Passion Fruit Vodka contained fruit flies.
22. One (1) liter bottle of Jim Beam Black Whiskey contained fruit flies.
23. One (1) liter bottle of Irish Mist Liqueur contained fruit flies.
24. One (1) liter bottle of Clan McGregor Whiskey contained fruit flies.
25. One (1) liter bottle of VSQ Brandy contained fruit flies.
26. One (1) liter bottle of Yukon Jack Canadian Liqueur contained fruit flies.
27. One (1) liter bottle of Wild Turkey Bourbon contained fruit flies.
28. Administrative review of the file indicates this was the first violation by the licensee in one hundred (100) years of existence.

### CONCLUSION

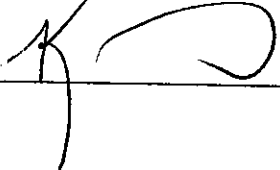
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1), 204 CMR 2.05(2) and M.G.L. c. 94, §186 (10 counts). The licensee has no prior violations. Therefore, the Commission **suspends the license for a period of five (5) days of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the licensee must not possess in or on the licensed premises any automatic amusement device or video poker machine.**

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Robert Cronin, Commissioner



Kim S. Gainsboro, Chairman



Dated: October 6, 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  
Rose Bailey, Investigator  
Administration  
File