

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

ANDREWS DAHILL POST 1531 DBA VETS OF FOREIGN WARS OF U.S. INC.
477 PARK ST.
NEW BEDFORD, MA 02740
LICENSE#: 077800111
HEARD: 09/11/2012

Andrews Dahill Post 1531 dba Vets of Foreign Wars Of U.S. Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September 11, 2012, regarding an alleged violation of 204 CMR 2.05 (2), to wit: M.G.L. c.138 §23- Sale of an alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (48 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kenny's Report.

The following documents and physical items are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Kenny's Investigative Report dated April 5, 2012; and
3. Forty-eight (48) bottles of alcoholic beverages.

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

FACTS

1. On Thursday, April 5, 2012, at approximately 8:00 p.m., Investigators Binienda and Kenny conducted an investigation of Andrews Dahill Post 1531 dba Vets of Foreign Wars Of U.S. Inc. to determine the manner in which their business was being conducted.
2. Investigators spoke to the bartender on duty, Patrice Flynn, identified themselves and advised him that they would conduct an inspection of the premises.
3. While inspecting the liquor storage room investigators observed three (3) boxes of Barefoot wine with labels from Shawmut Package Store.
4. Investigators observed that two (2) of the boxes each contained twenty-four (24) individual 187 ml bottles, and one box was empty.
5. Investigators informed Mr. Flynn of the violations and that a report would be submitted to the Chief Investigator for further review.

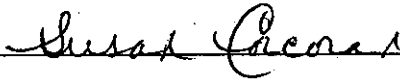
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CONCLUSION

Based on the evidence, the Commission finds the licensee violated of 204 CMR 2.05 (2), to wit: M.G.L. c.138 §23- Sale of an alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (48 counts). Therefore, the Commission **suspends the license for eleven (11) days of which eleven (11) 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

Susan Corcoran, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen P. McNally, Commissioner



DATE: September 25, 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
Mark Kenny, Investigator
Edward J. Sylvia, Jr., Esq. 508-992-3175
Administration
File