

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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 1, 2022

**PORTUGUESE SPORTS, INC. D/B/A PORTUGUESE SPORTS CLUB
56 DELANO STREET
NEW BEDFORD, MA 02744
LICENSE#: 00073-CL-0778
HEARD: 11/17/2021**

After a hearing on November 17, 2021, the Commission finds Portuguese Sports, Inc. d/b/a Portuguese Sports Club violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Portuguese Sports, Inc. d/b/a Portuguese Sports Club **effective forthwith** until further written order of the Commission.

The Commission will not issue any further order without a written request from the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the Licensee attends. Good cause for the Commission to consider issuing a further written order revising the order of Indefinite Suspension will include, but not be limited to, the Licensee making payment to the Massachusetts State Lottery for the amount owed.

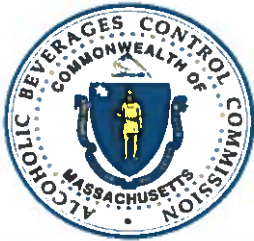
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Jack Carey, Investigator
John DeSimas, Lottery, Credit & Collections
Raskin Bhatta, Lottery, Collections Analyst
Christian Gonsalves, Lottery, Legal Dept.
Administration, File



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DECISION

**PORTUGUESE SPORTS, INC. D/B/A PORTUGUESE SPORTS CLUB
56 DELANO STREET
NEW BEDFORD, MA 02744
LICENSE#: 00073-CL-0778
HEARD: 11/17/2021**

Portuguese Sports, Inc. d/b/a Portuguese Sports Club ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a remote hearing via Microsoft Teams on Wednesday, November 17, 2021, regarding an alleged violation of M.G.L. c. 10 § 33, 961 CMR 2:20 (1) – All tickets provided to the Licensed Sales Agent by the Lottery¹, and all proceeds from the sale of such tickets, shall at all times remain the exclusive property of the Lottery. All such proceeds shall be deposited by the Sales Agent into the trust account established pursuant to 961 CMR 2.16 (1), at such times and on such terms as the Director may from time to time require.

The following documents are in evidence:

1. Investigator Carey's Investigative Report;
2. ABCC Form 43 License Approved, 1/12/1972;
3. Lottery Exhibits Packet re: Outstanding Balance Owed.

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

FINDINGS OF FACT

1. John DeSimas contacted the ABCC's Enforcement Division seeking assistance in bringing this former state lottery sales agent into compliance. (Exhibit 1)
2. On September 10, 2021, the Alcoholic Beverages Control Commission notified Portuguese Sports, Inc. d/b/a Portuguese Sports Club, the Licensee, via first class mail that a hearing would be held on Wednesday, November 17, 2021, at 1:30 p.m., regarding alleged violations of M.G.L. c. 10 § 33, 961 CMR 2:20.

¹ Massachusetts State Lottery Commission is commonly referred to as "the Lottery."


3. On Wednesday, November 17, 2021, the violation hearing scheduled for 1:30 p.m. was held. The Commission waited until approximately 1:35 p.m. prior to commencing the hearing. (Commission Records)
4. The Licensee failed to appear at the Commission hearing. Id.
5. Attorney Christian Gonsalves appeared on behalf of the Massachusetts State Lottery (the "Lottery") and informed the Commission the Licensee owes the Lottery \$5,192.65. (Exhibits 1, 3)
6. John DeSimas, Director of Credit and Collections for the Lottery appeared at the Commission hearing and testified the Licensee closed its business at the beginning of the pandemic. The Lottery made multiple attempts over 6 to 7 months to contact the Licensee to arrange a payment plan and to pick up the tickets left at the licensed premises. They were eventually able to retrieve the unused product but have not received any payments. (Testimony, Exhibit 3)

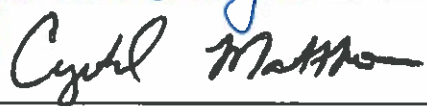
CONCLUSION


Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1). As the Licensee failed to appear, after appropriate notice, the Commission **INDEFINITELY SUSPENDS** the license of Portuguese Sports, Inc. d/b/a Portuguese Sports Club **effective forthwith** until further written order of the Commission.

The Commission will not issue any further order without a written request from the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the Licensee attends. Good cause for the Commission to consider issuing a further written order revising the order of Indefinite Suspension will include, but not be limited to, the Licensee making payment to the Massachusetts State Lottery for the amount owed.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman 

Crystal Matthews, Commissioner 

Deborah Baglio, Commissioner 

Dated: February 1, 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.

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