



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

AMENDED
NOTICE OF SUSPENSION

July 23, 2013

NORTH END BOAT CLUB
282 MERRIMAC ST.
NEWBURYPORT, MA 01950
LICENSE#: 079600011
HEARD: 01/29 /2013 and 7/16/2013

After a hearing on January 29, 2013, the Commission found the North End Boat Club in violation of:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M. G. L. c. 138 §15A Change of Officers and Directors in the Corporation (Year 2004, 2005, 2006, 2008, 2009, 2011);
- 2) M. G. L. c. 138 §1 Failure to File Annually With the Commission Names and Residence of Each Corporate Officer (Since 1985);
- 3) 527 CMR 10.00 (2) (D) Failure To Have Fire & Building Safety Checklist (2 Counts) (December 31, 2012 and January 2, 2013);
- 4) 527 CMR 10.13 (D) Emergency Planning and Preparedness, Designation of a Crowd Manager (2 Counts) (December 31, 2012 and January 2, 2013); and
- 5) M. G. L. c. 138 §63A Hindering/Delaying Investigator for the Commission (2 Counts) (January 4, 2013 and January 7, 2013).

As a result, on February 14, 2013, the Commission **INDEFINITELY SUSPENDED** the license **effective forthwith** until further written order from this Commission.

On July 10, 2013, the Licensee filed a Motion for Reconsideration. On July 23, 2013, after a hearing, the Commission issued a Memorandum and Order on the Licensee's Request and reversed its prior order of **INDEFINITE SUSPENSION**.

The Commission reconsidered the indefinite suspension relating to all the violations other than M.G.L. c. 138, §63A and reversed it to a suspension of time served from February 14, 2013 to July 23, 2013. As to the violation of M. G. L. c. 138, §63A Hindering/Delaying Investigator, the Commission also reconsidered and amended its decision dated February 14, 2013 and hereby orders the license **SUSPENDED FOR THIRTY (30) DAYS**, to be served in addition to the time already served.

As such, the Commission **suspends the licensee's license for a total of thirty (30) days to be served. The suspension shall commence on Wednesday September 11, 2013 and terminate on Thursday, October 10, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 11, 2013 at 9:00 A.M. It will be returned to the licensee on Friday, October 11, 2013.

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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
Caroline Guarino-Wilichoski, Investigator
Stephen Miller, Esq. via fax 617-946-4624
Administration
File



The Commonwealth of Massachusetts
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MEMORANDUM AND ORDER ON LICENSEE'S
REQUEST FOR RECONSIDERATION OF
INDEFINITE SUSPENSION

NORTH END BOAT CLUB
282 MERRIMAC ST.
NEWBURYPORT, MA 01950
LICENSE#: 079600011
HEARD: 01/29/2013 and 7/16/2013

The North End Boat Club (the "Licensee") holds an all alcoholic beverages club license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, January 29, 2013, regarding an alleged violation of:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M. G. L. c. 138 §15A Change of Officers and Directors in the Corporation;
- 2) M. G. L. c. 138 §1 Failure to File Annually With the Commission Names and Residence of Each Corporate Officer;
- 3) 527 CMR 10.00 (2) (D) Failure To Have Fire & Building Safety Checklist (2 Counts);
- 4) 527 CMR 10.13 (D) Emergency Planning and Preparedness, Designation of a Crowd Manager (2 Counts); and
- 5) M. G. L. c. 138 §63A Hindering/Delaying Investigator for the Commission (2 Counts).

By decision dated February 14, 2013, the Commission **INDEFINITELY SUSPENDED** the license of The North End Boat Club **effective forthwith**, until further written order of the Commission.

The Commission held 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 term good cause includes, but is not limited to, the Licensee filing the appropriate application to secure the required approvals for at least two (2) transactions, i.e. approval of the officers and directors of the license holder corporation as required by M.G.L. c. 138, §15A and the Licensee becoming current on the annual report required by M.G.L. c. 138, §1 and filing(s) with the Office of the Secretary of the Commonwealth any documents required to comply with the corporation laws of the Commonwealth. In addition, the Licensee must have an active/valid Fire & Building Safety Checklist and Emergency Planning and Preparedness, Designation of a Crowd Manager, and the Licensee must provide all the documents requested in the Demand Notice.

The Licensee filed a written request to reconsider the indefinite suspension. The Licensee attended a hearing before the Commission on Tuesday, July 16, 2013, and argued that good cause exists to reconsider the indefinite suspension.

At this hearing, the following documents were admitted in evidence:

1. The Commission Decision dated February 14, 2013;

2. Request for Reconsideration dated July 10, 2013 in which was stated that:
 - a) Licensee made all delinquent filings to the Commission, the City of Newburyport, and the Secretary of State Corporations Division;
 - b) DOR has issued a Certificate of Good Standing;
 - c) The manager of record, Michael Rurak, and three other employees have been certified as Crowd Control Managers;
 - d) Licensee's Procedures to insure compliance with requirements.

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

At the hearing, the Licensee presented six curative applications along with evidence and argument that persuaded the Commission that, immediately upon receipt of the Commission Decision and Notice of the Indefinite Suspension, the Licensee complied with the order and suspended all licensed activities, and that the Licensee took steps to cure the non-compliance that formed the basis for the violations that resulted in the order of indefinite suspension.

However, the Commission takes very seriously the violation of M. G. L. c. 138 §63A Hinderling/Delaying a Commission Investigator. The investigators often work under difficult circumstances. The Commission will not tolerate any conduct from a Licensee towards a Commission Investigator that is anything less than respectful or compliant. As a result, the order of Indefinite Suspension as to this violation will be lifted and a definite period of suspension will be imposed.

CONCLUSION

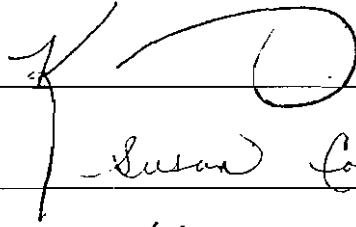
Based on the evidence presented at the hearing, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of The North End Boat Club **effective forthwith**.

The indefinite suspension is reconsidered and reversed to a suspension of time served from February 14, 2013 to July 23, 2013.

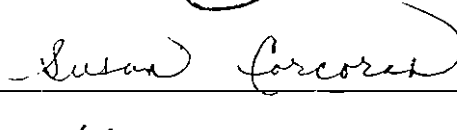
The Commission also reconsiders and amends the Commission decision dated February 14, 2013 and hereby orders the license **SUSPENDED FOR THIRTY (30) DAYS**, to be served in addition to the time already served, for the violation of M. G. L. c. 138 §63A Hinderling/Delaying Investigator for the Commission (2 Counts).

ALCOHOLIC BEVERAGES CONTROL COMMISSION

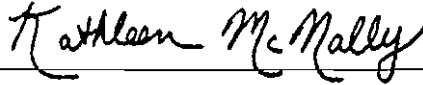
Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: July 23, 2013

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 Mahoney, Chief Investigator
Caroline Guarino, Investigator
Stephen Miller, Esq. via fax 617-946-4624
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