



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Tel. (617) 727-3040
Fax: (617) 727-1510*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

December 6, 2018

**DANIEL SHAYS PACKAGE STORE INC.
297 DANIEL SHAYS HIGHWAY
ORANGE, MA 01364
LICENSE#: 0932-00022
HEARD: 11/13/2018**

After a hearing on November 13, 2018, the Commission finds Daniel Shays Package Store Inc. violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1). Therefore, the Commission **SUSPENDS the license of Daniel Shays Package Store Inc. for six (6) months.**

The suspension shall commence on Thursday, December 6, 2019 and terminate on Monday, May 6, 2019. The license will be returned to the Licensee on Tuesday, May 7, 2019.

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 which must be signed by the Licensee and 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

Jean M. Lorizio
Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack Carey, Investigator
Dennis Kirwan, Esq., Lottery
John DeSimas, Lottery
Allison O'Keefe, Lottery
Administration, File



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DECISION

DANIEL SHAYS PACKAGE STORE INC.
297 DANIEL SHAYS HIGHWAY
ORANGE, MA 01364
LICENSE#: 0932-00022
HEARD: 11/13/2018

Daniel Shays Package Store Inc. (the "Licensee" or "Shays Package Store") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, November 13, 2018, 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; and
2. Lottery Records re: Outstanding Balance.

The Commission took Administrative Notice of the Licensee's Commission files.

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

FINDINGS OF FACT

1. John DeSimas, Director of Credit and Collections for the Lottery, contacted the ABCC's Enforcement Division for assistance in bringing this former state lottery sales agent in compliance. (Exhibit 1)
2. On September 7, 2018, the Alcoholic Beverages Control Commission notified the Licensee, Daniel Shays Package Store Inc., via first class mail, that a hearing would be

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

held on Tuesday, October 9, 2018 at 11:30 a.m., regarding alleged violations of M.G.L. c. 10 § 33, 961 CMR 2:20.

3. On October 4, 2018, John DeSimas, on behalf of the Lottery, requested a continuance for the October 9th hearing as the Lottery was attempting to resolve the outstanding financial issue with the Licensee.
4. The Commission allowed the Lottery's request, and a hearing notice for the new date, Tuesday, November 13, 2018, was mailed to the Licensee.
5. The Lottery revoked Daniel Shays Package Store's Sales Agent license and removed the Lottery machines from the licensed premises. (Exhibit 2)
6. Attorney Dennis Kirwan appeared for the Massachusetts State Lottery (the "Lottery") and informed the Commission that Shays Package Store owes the Lottery more than \$33,000. (Testimony & Exhibit 2)
7. The Lottery and Shays Package Store have been in regular contact. (Testimony)
8. The Licensee made payments to the Lottery on 5/23/2018, 6/18/2018 and 7/17/2018 but still owes the Lottery more than \$33,000. (Testimony)
9. The Licensee testified that she has been a Lottery agent for approximately 34 years and this is the first instance of an overdue balance. (Testimony)
10. Attorney Kirwan requested that the Commission suspend the license for 6 months allowing the Lottery to bring the matter back before the Commission, if and when the Licensee makes payment or enters into a payment plan satisfactory to the Lottery. (Testimony)

CONCLUSION

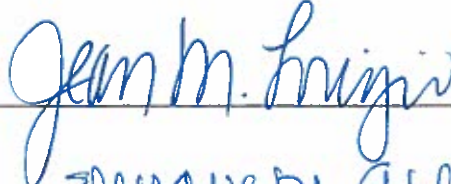
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1). Therefore, the Commission adopts the recommendation of the Lottery and **SUSPENDS the license of Daniel Shays Package Store Inc. for six (6) months.**

Any change to this disposition, as a result of payment in full or the imposition of a payment plan satisfactory to the Lottery, must be requested in writing and acted upon by the Commission before the license will be reinstated.

The Commission advises that the Lottery shall provide the Commission with an update as to the status of the debt by April 30, 2019. If need be, the Commission will schedule a 2nd hearing on this matter and could take further action which may include extending or limiting the six (6) month suspension.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

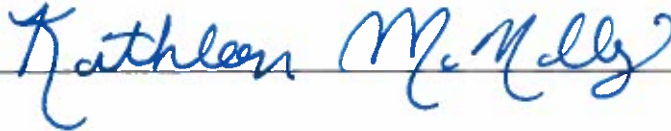
Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: December 6, 2018

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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