

*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**

**VETS OF FOREIGN WARS FIDELITY POST 1011, INC.**  
**20 STEVENS ST.**  
**PEABODY, MA 01960**  
**LICENSE#: 095600045**  
**HEARD: 09/11/2012**

Vets of Foreign Wars Fidelity Post 1011, 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. 94 §186-Falling Below the Standard of Purity (13 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kelleher's Report.

The following documents and physical items are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Kelleher's Investigative Report dated July 19, 2012; and
3. Thirteen (13) bottles of alcoholic beverages.

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

**FACTS**

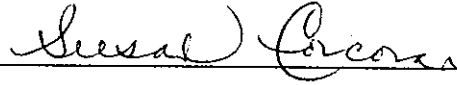
1. On Thursday, July 19, 2012, at approximately 12:30 p.m., Investigators Egan-Bailey, Capurso, and Kelleher conducted an investigation of Vets of Foreign Wars Fidelity Post 1011, Inc. to determine the manner in which their business was being conducted and to address a complaint filed with the Commission.
2. Investigators identified themselves to the bartender on duty and requested to speak with the manager of the licensed premises, later identified as "Junior Commander" Jim McGrath.
3. Investigators inspected the bar area and observed ten (10) bottles containing foreign matter and fruit flies.
4. A list of the confiscated bottles taken as evidence was provided to the manager on duty:
  - a) Bols Cherry Brandy;
  - b) Bols Crème de Cacao;
  - c) Bols Peppermint Schnapps;
  - d) Bols Strawberry Liqueur;
  - e) Coronet VSQ Brandy;
  - f) Jacques Cardin Brandy;
  - g) J&B Scotch Whiskey;
  - h) Montezuma Tequila;

- i) Seagram's VO Whiskey; and
  - j) Wild Turkey Bourbon.
5. Mr. McGrath then contacted the Commander of the Post, Mr. Manny Raymond, who then came to the licensed premises.
  6. Investigators then inspected the upstairs function hall bar area and observed three (3) additional bottles containing foreign matter and fruit flies.
  7. The confiscated bottles taken as evidence were:
    - k) Bols Cherry Brandy;
    - l) Mount Gay Rum; and
    - m) Leroux Crème de Menthe.
  8. Investigators informed Mr. McGrath and Mr. Raymond of the violations and that a report would be submitted to the Chief Investigator for further action.

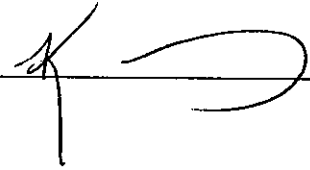
CONCLUSION

Based on the evidence, the Commission finds the licensee violated of 204 CMR 2.05(2), to wit: M.G.L. c. 94 §186-Falling Below the Standard of Purity (13 counts). As the licensee has held the license since 1927 and has had no previous violations, the Commission issues a **WARNING**.

**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.

Kim S. Gainsboro, Chairman 

DATE: September 11, 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  
 Tara Kelleher, Investigator  
 Administration  
 File