

*The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, MA 02114*

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

May 29, 2013

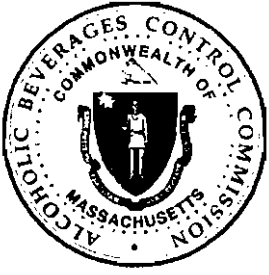
**VETS CLUB OF SHELBURNE FALLS, INC. DBA V.F.W. POST #8503
10 WATER ST.
SHELBURNE, MA 01370
LICENSE#: 110600005
HEARD: 05/29/2013 & 05/29/2013**

The Licensee was ordered to appear at a hearing on Wednesday, May 29, 2013, for an alleged violation of M.G.L. c.138 §64 -Failure to Comply with the Laws of the Commonwealth, to wit: M.G.L. c. 62C §47A (D) and 830 CMR 62C.47A.2 (4). The Licensee failed to appear. As a result, The Vets Club of Shelburne Falls, Inc.'s license is **suspended indefinitely FORTHWITH** until further order from this Commission.

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.

Kim S. Gainsboro
Chairman

cc: File
Local Licensing Board
Brad Doyle, Investigator
Donald McGurk, DOR
John Richardson, Esq. via email jwr@crocker.com



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DECISION

**VETS CLUB OF SHELBURNE FALLS, INC. DBA V.F.W. POST #8503
10 WATER ST.
SHELBURNE, MA 01370
LICENSE#: I10600005
HEARD: 05/29/2013 & 05/29/2013**

Vets Club of Shelburne Falls, Inc. dba V.F.W. Post #8503 (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held hearings on Thursday, May 23, 2013, and Wednesday, May 29, 2013, regarding an alleged violation of M.G.L. c.138 §64 -Failure to Comply with the Laws of the Commonwealth, to wit: M.G.L. c. 62C §47A (D) and 830 CMR 62C.47A.2 (4) detailed in Investigator Brad Doyle's report.

The following documents are in evidence for the hearing held on Thursday, May 23, 2013:

1. Letter from Attorney John W. Richardson dated May 22, 2013.

The following documents are in evidence for the hearing held on Wednesday, May 29, 2013:

1. Return of Delivery and attached Commission Hearing Notice dated May 29, 2013.

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

FACTS

1. On February 19, 2013, the Commission notified the Licensee via first class mail that a hearing would be held on Thursday May 23, 2013 regarding alleged violations of M.G.L. c. 62C §47A (D) and 830 CMR 62C.47A.2 (4). Testimony
2. On May 22, 2013, Attorney John W. Richardson, sent the Department of Revenue a letter via facsimile stating that, "...no one from the Veterans Club of Shelburne Falls will be attending the ABC [sic] hearing in Boston scheduled tomorrow." Exhibit I
3. The licensee did not appear at the scheduled hearing or contact the Commission. Testimony
4. Donald McGurk provided the Commission with Attorney Richardson's letter. Testimony
5. Thereafter, the Commission issued a hearing notice for a hearing to be held on Wednesday, May 29, 2013. The hearing notice specifically stated, "You are hereby admonished that your failure to appear at this hearing will result in the Indefinite Suspension of your license effective forthwith on the dates of this hearing." Exhibit I
6. On May 23, 2013, Kurt Wilkins of the Shelburne Police Department hand served the hearing notice to Merle Allard, an Officer of the Shelburne Falls V.F.W. Exhibit I

7. The licensee did not appear at the scheduled hearing or contact the Commission.
Testimony

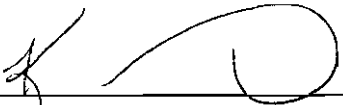
CONCLUSION

The Licensee failed to appear two (2) times before this Commission after being given adequate notice. There is an abundance of evidence to conclude that the Licensee was aware of the hearing and willfully refused to appear. Based on the evidence, the Commission **INDEFINITELY SUSPENDS** the license of Vets Club of Shelburne Falls, Inc. dba V.F.W. Post #8503 **effective FORTHWITH** until further written order of the Commission.

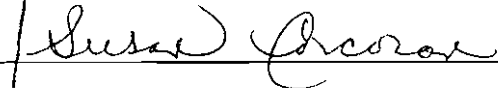
The Commission will not issue any further order without a written request from the licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the licensee attends.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Dated: May 29, 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: File
Local Licensing Board
Brad Doyle, Investigator
Donald McGurk, DOR
John Richardson, Esq. via email jwr@crocker.com