

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

NOTICE OF SUSPENSION

October 3, 2014

DEMOSTHENES GREEK-AMERICAN DEMOCRATIC CLUB OF MA
218 SOMERVILLE AVE.
SOMERVILLE, MA 02143
LICENSE#: 113000056
VIOLATION DATE: 08/07/2013
HEARD: 09/23/2014

After a hearing on September 23, 2014, the Commission finds Demosthenes Greek-American Democratic Club of MA in violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c.138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A.

The Commission **suspends the licensee's license for a total of thirty (30) days to be served. The suspension shall commence on Wednesday, November 26, 2014, and terminate on Thursday, December 25, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 26, 2014 at 9:00 A.M. It will be returned to the licensee Friday, December 26, 2014.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

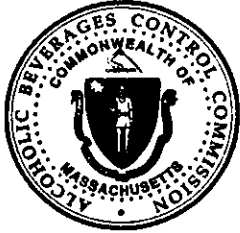
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Quincy Police Officer Tara Kelleher Waters
Demetrios Kafkas, Esq. via Email
File

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Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

DEMOSTHENES GREEK-AMERICAN DEMOCRATIC CLUB OF MA
218 SOMERVILLE AVE.
SOMERVILLE, MA 02143
LICENSE#: 113000056
VIOLATION DATE: 08/07/2013
HEARD: 09/23/2014

Demosthenes Greek-American Democratic Club of MA (the "Licensee" or "Demosthenes") 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 23, 2014, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c.138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kelleher's Report.

The following documents are in evidence:

1. Investigator Kelleher's Violation Report dated August 7, 2013; and
 2. Licensee's Stipulation of Facts.
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- A. Licensee's Invoice #20732 dated September 9, 2014 from Viannis Distributing Company; and
 - B. Licensee's Invoice #542542 dated August 4, 2014 from Horizon Beverage Company.

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

The Commission took administrative notice of the Licensee's records.

FACTS

1. On Wednesday, August 7, 2013, at approximately 2:00 p.m., Investigators Temple and Kelleher conducted an investigation of the business operation of Demosthenes Greek-American Democratic Club of MA to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and asked to speak with the owner or manager.
3. John Piantes stated that he "was not the manager but was in charge at this time."
4. Investigators asked Mr. Piantes who purchased the liquor and beer and he responded, "I do all of the purchasing."

5. Investigators asked Mr. Piantes from where he purchased the liquor and beer to which he replied, "distributors." Mr. Piantes then showed investigators two invoices (one dated July 5, 2013 and one dated July 13, 2013) from Burke Distributors.
6. Investigators inspected a clear fridge in the bar area and observed a price sticker affixed to a bottle of Malamatina Retsina wine.
7. When questioned about this bottle by investigators, Mr. Piantes stated that he "didn't know why it had a sticker." Upon further questioning, he stated that he "has to get that [Retsina wine] at a liquor store, no distributors carry it." Mr. Piantes added that, "sometimes I go to Macy's Liquors or Gary's in West Roxbury, because they are on the way to Somerville from my home."
8. Investigators then asked Mr. Piantes if he had ever purchased liquor from Ball Square Liquors to which he replied that he "knows the liquor store but has never bought from them."
9. Investigators advised Mr. Piantes that they had evidence the club was purchasing alcohol from Ball Square Liquors, who had the club's name and address listed as an account holder.
10. Mr. Piantes responded, "Ok, yes I have bought liquor and wine there, Chris Lianos is my friend. I just did not want to get him in trouble."
11. Investigators asked Mr. Piantes if Mr. Lianos was aware the alcohol purchased was for the club, to which Mr. Piantes replied, "Yes."
12. The records of Ball Square indicated that there were 371 purchases by Demosthenes which totaled to approximately \$58,567.00.
13. Mr. Piantes stated that Ball Square did not afford him credit and he paid for the purchases up front.
14. Investigators then asked why Mr. Piantes attempted to deceive them saying that he was not the manager as he is the party listed on the liquor license as the manager to which he responded, "I don't know. I am sorry."
15. Investigators confiscated the bottle of Retsina wine, and took a photograph for evidence of an empty Heineken case with a price sticker attached.
16. Investigators ordered Mr. Piantes not to sell any of the remaining bottles in the fridge and cooler, and that he must keep the remaining alcohol, purchased from a \$15 retail package store, in a secured location pending the Commission's decision.
17. Investigators informed Mr. Piantes of the violation and that a report would be filed with the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c.138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A. Therefore, the Commission **suspends the license for thirty (30) days of which thirty (30) days will be served.**


ORDER OF DESTRUCTION

Per M.G.L. c. 138, § 2, the alcoholic beverages may not be offered for sale in Massachusetts and these alcoholic beverages must be destroyed by the owner. The Commission **orders the Licensee to destroy the alcoholic beverages pursuant to this Order of Destruction**. The licensee must submit the required plan for this Order of Destruction on or before June 21, 2014, as a condition of its license. The plan should include:

1. A written inventory of all alcoholic beverages to be destroyed;
2. The implementation of the plan in detail, with the scheduled date of destruction;
3. The name, address and qualifications of the waste disposal agent/company/facility;
4. An affirmation that the plan complies with all laws of the Commonwealth, including but not limited to, the health and environmental laws; and
5. An acknowledgement that destruction and disposal of all alcoholic beverages shall be conducted only in the presence of a Commission Investigator.

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.

Kathleen McNally, Commissioner



Dated: October 3, 2014

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
Christopher Temple, Investigator
Quincy Police Officer Tara Kelleher Waters
Demetrios Kafkas, Esq. via Email
Administration
File