



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

**Memorandum and Order on Licensee's
Request for Reconsideration of
Indefinite Suspension**

**GEORGE DILBOY POST #529 INC. V.F.W. OF U.S.
371 SUMMER STREET
SOMERVILLE, MA 02143
LICENSE #: 113000063
HEARD: 05/09/2012**

George Dilboy Post #529, Inc. V.F.W. of U.S. (the "Licensee") holds an all-alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on December 13, 2011, regarding an alleged violation of:

1. 204 CMR 2.05 (2)- Permitting an Illegality on the Licensed Premises, to wit: Ch. 138 §15A- Change of Officers/Directors in Corporation; and
2. M.G.L. c.138, §1-Failure to File Annually with the Commission Names and Residences of Each Corporate Officer.

By decision dated January 3, 2012, the Commission found the licensee in violation of both charges and indefinitely suspended **its license forthwith**, until further written order of the Commission.

In its decision, the Commission held that it would not issue any further order without a written request for a hearing from the licensee to show good cause exists to reconsider this indefinite suspension. The licensee filed a written request to reconsider the indefinite suspension and the Commission held a hearing on this request on May 9, 2012.

The licensee attended the hearing before the Commission and argued that good cause exists to reconsider the indefinite suspension. In support thereof, the licensee submitted an application to change its officers, and directors with supporting documentation demonstrating that the aforementioned violations no longer exist and that all officers and directors of the corporation are current and registered with the Secretary of State's office. During the hearing, Investigator Capurso testified that the application was suitable for Commission approval. Thereafter, the Commission approved the application.

Based on the evidence, the Commission reconsiders and reverses its prior order of INDEFINITE SUSPENSION of the license of George Dilboy Post #529 Inc. V.F.W. of U.S. **effective forthwith**. The penalty is hereby revised to a suspension of time served from January 3, 2012 to May 9, 2012. The license may be returned to the George Dilboy Post #529 Inc. V.F.W. of U.S. forthwith.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Dated: May 9, 2012

cc: File
Local Licensing Board
Frederick Mahoney, Chief Investigator
Caroline Guarino, Investigator
Paul Capurso, Investigator
Administration