



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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

NOTICE OF SUSPENSION

May 21, 2014

GREEK AMERICAN SOCIAL CONSTRUCTION CLUB INC.  
79 BOW STREET  
SOMERVILLE, MA 02145  
LICENSE#: 113000006  
VIOLATION DATE: 07/07/2013  
HEARD: 04/01/2014

After a hearing on April 1, 2014, the Commission find Greek American Social Construction Club Inc. 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 the 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, July 9, 2014, and terminate on Thursday, August 7, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 9, 2014 at 9:00 A.M. It will be returned to the licensee Friday, August 8, 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  
Tara Kelleher, Investigator  
File

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**DECISION**

**GREEK AMERICAN SOCIAL CONSTRUCTION CLUB INC.**  
**79 BOW STREET**  
**SOMERVILLE, MA 02145**  
**LICENSE#: 113000006**  
**VIOLATION DATE: 07/07/2013**  
**HEARD: 04/01/2014**

Greek American Social Construction Club 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, April 1, 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 Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Temple's Violation Report dated July 7, 2013.

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

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

**FACTS**

1. On Sunday, July 7, 2013, at approximately 1:20 p. m., Investigators Kelleher and Temple were investigating a complaint at 379 Somerville Avenue, Somerville, MA when they observed a man carry two 24-packs of Heineken beer into the licensed premises of the Greek American Social Construction Club Inc.
2. Investigators entered the licensed premises and asked to speak with the owner or manager, and to see its liquor license.
3. Michael Pergantis identified himself as the owner, and he provided investigators with the license.
4. Investigators Kelleher and Temple then conducted an investigation of the business operation Greek American Social Construction Club Inc. to determine the manner in which its business was being conducted.

5. Investigators went behind the bar and observed multiple bottles of alcohol with retail price stickers on their exteriors. Based on their training and experience, investigators recognized that the alcoholic beverages had been purchased from a \$15 retail package store.
6. Investigators saw the Heineken beer packs placed on a table and they observed the boxes had a label marked Ball Square Liquors, 716 Broadway, Somerville, MA.
7. When questioned by investigators, Mr. Pergantis stated that he buys [liquor] from Ball Square Liquors, and that everything that is here is from the liquor store.
8. Mr. Pergantis further admitted to investigators that he knows he has to buy from wholesales. He explained that the amount [of liquor that] he buys does not meet the minimum order from the wholesalers.
9. Mr. Pergantis also stated that the wine [on premises] was also purchased from a liquor store in Brockton.
10. Investigators confiscated the following items:
  - 2-24 packs of Heineken beer bottles;
  - 1-12 pack of Budweiser beer bottles;
  - 2-750 ml bottles of Skouras
  - 1-750 ml bottle of Ouzo 7;
  - 1-750 ml bottle of Ouzo 12.
11. Investigators ordered Mr. Pergantis not to sell any of the remaining alcohol, and that he must keep the remaining alcohol, purchased from a \$15 retail package store, in a secured location pending the Commission's decision.
12. Investigators informed Mr. Pergantis 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: c.138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from the holder of a special permit under §22A. Therefore, the Commission **suspends the license for thirty (30) days to be served.**

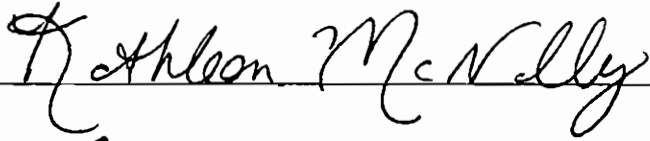
### ORDER OF DESTRUCTION

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 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

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: May 21, 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  
Tara Kelleher, Investigator  
Administration  
File