

*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

November 8, 2011

**Woody's, Inc. dba Woody's Liquors**  
**523 Broadway**  
**Somerville, MA 02144**  
**License #: 113000085**  
**Heard: September 13, 2011**

After a hearing on September 13, 2011, the Commission finds Woody's, Inc. dba Woody's Liquors in violation of 204 CMR 2.05 (2).

The Commission **suspends the licensee's license for a total of twelve (12) days to be served.** The suspension shall commence on **Wednesday, December 21, 2011 and terminate on Sunday, January 1, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, December 21, 2011 at 9:00 A.M. It will be returned to the licensee Monday, January 2, 2012.

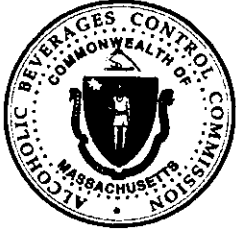
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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  
Michael Teehan, Investigator  
Administration  
File



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**DECISION**

**Woody's, Inc. dba Woody's Liquors**  
**523 Broadway**  
**Somerville, MA 02144**  
**License #: 113000085**  
**Heard: September 13, 2011**

Woody's, Inc. dba Woody's Liquors (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September 13, 2011, regarding an alleged violation 204 CMR 2.05 (2) detailed in Investigator Michael Teehan's report.

The following documents are in evidence:

1. Investigator Michael Teehan's Report; and
2. Receipt Copy.

- A. Letter from Butters Brazilian, LLP; and
- B. Receipts for Machines.

There is one (1) tape of this hearing.

**FACTS**

1. On July 21, 2011 at approximately 8:00 p.m., Investigator Teehan and Capurso investigated the business operation of Woody's, Inc. dba Woody's Liquors in response to a complaint filed with the Investigation and Enforcement Division.
2. Upon entering the licensed premises, Investigators Capurso and Teehan identified themselves to the male clerk on duty as Investigators with the ABCC and a short time later a female clerk entered the licensed premises.
3. Investigators Capurso and Teehan informed both employees of the complaint.
4. Investigators observed four phone card machines in the basement.
5. Investigator Teehan sat down in front of a device and placed five (5) dollar bill in U.S. currency into the device at which point a register type paper with printing on it was supplied from the device.

6. The printing indicated "Good for 30 Minutes of Phone Time" along with five (5) pin numbers. Ex B
7. Investigator Teehan further observed that in addition to the register type paper that provided calling card service minutes, the screen indicated that there were one hundred and seventy (170) "credits" that had been awarded for placing the five (5) dollars in U.S. currency into the device.
8. The clerk stated to investigators that once an individual is done playing, they print out a ticket from the machine, hand it to the clerk on duty and payout from the cash box behind the counter.
9. Investigator Teehan spoke with the owner on the phone and informed him of the violation.
10. The licensee stated that he believed the machines were legal and that there was no violation due to the fact of the legality of the machines.
11. He also stated that had he known the intent of the machines to "pay-out" for calling cards was illegal, he would not have had them in his establishment.
12. He stated that he would remove the machines and would cease from having any type of machines of this nature in his establishment.
13. An administrative review of the file indicates that the licensee has had the license for fifteen (15) years and this is his second violation in a year.

#### CONCLUSION

Based on the evidence, the commission finds the licensee violated 204 CMR 2.05 (2). The Commission **suspends the license for six (6) days. In addition, the licensee must not possess in or on the licensed premises any automatic amusement device or video poker machine.**

By decision dated June 30, 2010, the Commission had previously ordered a six (6) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the licensee violated the conditions of that six (6) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the six (6) day suspension. The licensee will serve a total twelve (12) days.

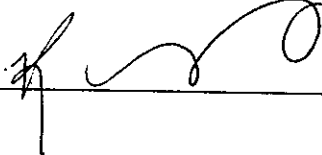
ALCOHOLIC BEVERAGES CONTROL COMMISSION

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



Dated: November 8, 2011

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  
Michael Teehan, Investigator  
Administration  
File