



*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

April 24, 2018

**MENDON WINE & SPIRITS, INC. D/B/A DIVINE WINE AND SPIRITS
1100 UNION STREET, SUITE G-104
WESTBOROUGH, MA 01581
LICENSE#: 1438-00046
HEARD: 4/18/2018**

After a hearing on April 18, 2018, the Commission finds Mendon Wine & Spirits, Inc. d/b/a Divine Wine and Spirits violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Mendon Wine & Spirits, Inc. d/b/a Divine Wine and Spirits **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. Good cause for the Commission to consider issuing a further written order revising the order of Indefinite Suspension will include, but not be limited to, the Licensee making payment to the Massachusetts State Lottery for the amount owed.

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

A handwritten signature in cursive script that reads "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack Carey, Investigator
Maryanne Hutchinson, Esq., Lottery
Allison O'Keefe, Lottery
Administration, File



Jean M. Lorizio, Esq.
Chairman

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DECISION

**MENDON WINE & SPIRITS, INC. D/B/A DIVINE WINE AND SPIRITS
1100 UNION STREET, SUITE G-104
WESTBOROUGH, MA 01581
LICENSE#: 1438-00046
HEARD: 4/18/2018**

Mendon Wine & Spirits, Inc. d/b/a Divine Wine and Spirits (the "Licensee" or "Mendon Wine") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Wednesday, April 18, 2018, regarding an alleged violation of M.G.L. c. 10 § 33, 961 CMR 2:20 (1) – All tickets provided to the Licensed Sales Agent by the Lottery¹, and all proceeds from the sale of such tickets, shall at all times remain the exclusive property of the Lottery. All such proceeds shall be deposited by the Sales Agent into the trust account established pursuant to 961 CMR 2.16 (1), at such times and on such terms as the Director may from time to time require.

The following documents are in evidence:

1. Investigator Carey's Investigative Report;
2. Lottery Letter 8/15/2017 re: Outstanding Balance;
3. Lottery Notice 1/24/2018 Requesting Assistance from ABCC; and
4. Lottery and Gaming Commission Past Due Notices.

The Commission took Administrative Notice of the Licensee's Commission files.

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

¹ Massachusetts State Lottery Commission is commonly referred to as "the Lottery."

FINDINGS OF FACT

1. On March 19, 2018, the Alcoholic Beverages Control Commission notified the Licensee, Mendon Wine, via first class mail that a hearing would be held on Wednesday, April 18, 2018 at 2:00 p.m., regarding alleged violations of M.G.L. c. 10 § 33, 961 CMR 2:20.
2. On Wednesday, April 18, 2016, the violation hearing scheduled for 2:00 p.m. was held. (Commission Records)
3. The Commission waited until approximately 2:20 p.m. prior to commencing the hearing. (Commission Records)
4. The Licensee failed to appear at the Commission hearing. The Licensee did not contact the Commission to reschedule the hearing or to request a continuance. (Commission Records)
5. Attorney Maryanne Hutchinson appeared for the Massachusetts State Lottery (the "Lottery") and informed the Commission that Mendon Wine owes the Lottery more than \$8,000. (Exhibits 1, 3)
6. Attorney Hutchinson stated that the Lottery last had contact with Mendon Wine in June of 2017 when Mendon Wine stated that they had secured a loan and would pay the money owed to the Lottery. The Lottery never received the money.
7. Attorney Hutchinson notified the Commission that the Lottery had tried to contact Mendon Wine to arrange a payment plan on several occasions, without success. (Exhibit 2)
8. When the Lottery was unable to arrange payment from Mendon Wine, the Lottery revoked its Sales Agent license and removed the Lottery machines from the licensed premises.
9. John DeSimas, Director of Credit and Collections for the Lottery, contacted the ABCC's Enforcement Division for assistance to bring this former state lottery sales agent in compliance. (Exhibit 2)

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

As the Licensee failed to appear, after appropriate notice, the Commission **INDEFINITELY SUSPENDS** the license of Mendon Wine & Spirits, Inc. d/b/a Divine Wine and Spirits **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. Good cause for the Commission to consider issuing a further written order revising the order of Indefinite Suspension will include, but not be limited to, the Licensee making payment to the Massachusetts State Lottery for the amount owed.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman

Jean M. Lorizio

Kathleen McNally, Commissioner

Kathleen McNally

Dated: April 24, 2018

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.

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