



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 15, 2025

**FREDERICK S. HEALY POST 159 AMERICAN LEGION
D/B/A FREDERICK S. HEALY POST 159
2 CROSS STREET
WESTFORD, MA 01886
LICENSE #: 00005-VC-1442
HEARD: 1/23/2024**

After a hearing on January 23, 2024, the Commission finds Frederick S. Healy Post 159 American Legion Inc. violated:

- 1) 204 CMR 2.05 (2) - Permitting an Illegality on the Licensed Premises, to wit: M.G.L. c. 94C Violation of the Controlled Substances Act;
- 2) M.G.L. Ch.138 § 12 Sale or delivery of alcoholic beverage to non-members.

On the first violation, 204 CMR 2.05 (2), to wit: M.G.L. Ch. 94C, the Commission **SUSPENDS the license for a period of 25 days of which 15 days will be served and 10 days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

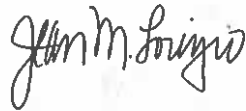
On the second violation, M.G.L. Ch.138 § 12, the Commission **SUSPENDS the license for a period of five (5) days. The Licensee will serve a total 20 days.**

The suspension shall commence on Monday, November 3, 2025, and terminate on Saturday, November 22, 2025. The license will be delivered to the Local Licensing Board or its designee on Monday, November 3, 2025, at 9:00 A.M. It will be returned to the licensee on November 23, 2025.

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 which must be signed by the Licensee and 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



Jean M. Lorizio
Chairman

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2023-000257-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
John David, Investigator
Dennis Keefe, Investigator
Katelyn Quinn, Investigator
Administration, File



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Alcoholic Beverages Control Commission
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DECISION

**FREDERICK S. HEALY POST 159 AMERICAN LEGION
D/B/A FREDERICK S. HEALY POST 159
2 CROSS STREET
WESTFORD, MA 01886
LICENSE #: 00005-VC-1442
HEARD: 1/23/2024**

Frederick S. Healy Post 159 American Legion Inc. (the "Licensee" or "Healy Post") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, January 23, 2024, regarding alleged violations of:

- 1) 204 CMR 2.05 (2) - Permitting an Illegality on the Licensed Premises, to wit: M.G.L. c. 94C Violation of the Controlled Substances Act;
- 2) M.G.L. Ch.138 § 12 Sale or delivery of alcoholic beverage to non-members.

The alleged violations occurred on various dates from Thursday, March 30, 2023, through Thursday, June 8, 2023.

The following documents are in evidence:

1. Investigative Report of J. David;
2. ABCC Decision, 7/28/2015;
3. Photographs of the Interior of Licensed Premises;
4. Photographs of the Exterior of Licensed Premises;
5. U.S. Drug Enforcement Administration Report of 5/11/2023;
6. U.S. Drug Enforcement Administration Report of 5/18/2023;
7. U.S. Drug Enforcement Administration Report of 6/8/2023;
8. U.S. Drug Enforcement Administration Arrest Report of 6/13/2023;
9. Final Report, Northeast Laboratory re: Exhibit 1;
10. Final Report, Northeast Laboratory re: Exhibit 2.

- A. Photograph of Sign Posted – Members & Guest Only to be Served;
- B. Photograph of Sign Posted - No Illegal Drugs;
- C. Photograph of Door Signage;
- D. Photograph of Men's and Ladies' Bathroom Signage – Absolutely No Drug Use;
- E. Photograph of Membership Binder for Servers;
- F. Photograph of Guest Book Registration for Guests of Members.

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

FINDINGS OF FACT

1. From March 30, 2023, through Thursday, June 8, 2023, the Alcoholic Beverages Control Commission Investigative and Enforcement Division conducted an undercover investigation of the business operation of the Frederick S. Healy Post 159 American Legion Inc. (Testimony, Exhibit 1)
2. The Healy Post is a rectangular shaped space which is approximately 51 feet by 35 feet. A bar, approximately 24-feet long, is located in the center of the premises. The men's restroom is approximately 15 feet from the bar, with the women's restroom approximately 33 feet from the bar. An employee positioned at the bar would have a clear view of the entire premises, including both restrooms and the rear door which is approximately 17 feet from the bar. Id.
3. On March 30, 2023, approximately 8:30 p.m., Investigators David and Quinn entered the licensed premises. Investigator David observed approximately 15 individuals inside the Post. Id.
4. Investigators were served alcoholic beverages by the bartender on duty, Patricia Raneri. Ms. Raneri is also the Manager of Record. Investigators were not members of the Post. Id.
5. Investigator David observed patrons going to the restrooms and going outside in groups. Based on his training and experience, he recognized a possible indicator of illegal drug activity. Id.
6. Investigator David observed a male individual, later identified as Pedro, who appeared to be monitoring the premises, standing by the entrance and occasionally looking out the window. He appeared to be well known by Ms. Raneri. Id.
7. Investigator David observed Pedro exit the licensed premises twice and enter the men's room multiple times while other men were in the restroom. The Investigator watched Pedro speak with several patrons in different areas of the premises. He was also observed speaking with Ms. Raneri. Id.
8. At approximately 11:15 p.m., Investigator David exited the Healy Post and reported his observations to Investigator Keefe who had remained outside the premises. Id.
9. On Thursday, April 6, 2023, at approximately 8:45 p.m., Investigator David entered the Healy Post in an undercover capacity and observed between 25 and 30 individuals inside. Id.

10. Investigator David, who was not a member of the Post, was served an alcoholic beverage by Ms. Raneri. Investigator David again observed patrons entering the restrooms and going outside in groups. Id.
11. At approximately 10:00 p.m., Pedro left the licensed premises, returning at approximately 10:30 p.m. Id.
12. At approximately 11:00 p.m., Investigator David exited the premises and reported his observations to Investigator Keefe, who had remained outside the Healy Post. Id.
13. On Thursday, April 28, 2023, at approximately 8:45 p.m., Investigator David entered the Healy Post in an undercover capacity and observed approximately 20 individuals inside. Id.
14. Investigator David, who is not a member of the Post, was served an alcoholic beverage by Ms. Raneri. Investigator David observed patrons entering the restrooms and going outside in groups. Id.
15. At approximately 10:45 p.m., Investigator David observed Pedro exit the men's restroom with the paper towel dispenser in his hand. Pedro went behind the bar where he used a screwdriver to fix the dispenser and then replaced it in the men's restroom. Id.
16. At approximately 11:45 p.m., Investigator David exited the premises and reported his observations to Investigator Keefe, who had remained outside the Healy Post. Id.
17. On Thursday, May 4, 2023, at approximately 9:00 p.m., Investigator David entered the licensed premises and observed approximately 30 to 35 individuals inside. Id.
18. Investigator David, who is not a member of the Post, was served an alcoholic beverage by Ms. Raneri. Id.
19. At approximately 10:35 p.m., Investigator David observed an unidentified male individual ("UM") seated with Pedro. The UM entered the men's restroom. Investigator David entered the men's restroom shortly thereafter and heard snorting sounds coming from the stall. Based on his training and experience, Investigator David knew the sounds he heard indicate drug use. Id.
20. At approximately 11:00 p.m., Investigator David exited the premises and reported his observations to Investigator Keefe, who had remained outside the Healy Post. Id.
21. On Thursday, May 11, 2023, at approximately 8:30 p.m., Investigators David and Keefe met with the Boston Tactical Division Squad of the United States Drug Enforcement Agency ("DEA") at the Westford Police Department. Id.
22. At approximately 9:00 p.m., Investigator David, along with three undercover DEA officers ("Officers") entered the licensed premises. They observed approximately 15 individuals in the Healy Post. (Testimony, Exhibits 1, 5)
23. Investigator David and the Officers, who were not members of the Post, were served alcoholic beverages by Ms. Raneri. (Testimony, Exhibit 1)

24. One of the DEA Officers, a female Officer ("Officer Z"), interacted with an unidentified female ("UF1") patron in the women's restroom. (Exhibit 5)
25. At approximately 10:03 p.m., Officer Z went to the women's restroom with UF1 and while in the rest room they had a conversation regarding cocaine use. UF1 offered cocaine to Officer Z. Officer Z asked where she could get some. UF1 explained she could "only get it in this bar." When Officer Z asked who sells the cocaine, UF1 stated Pedro. Officer Z asked if she could speak with Pedro about making a buy. Id.
26. At approximately 10:49 p.m. Officer Z had a conversation with Pedro near the pool table. Id.
27. At approximately 10:55 p.m., Officer Z observed Pedro give three clear plastic bags of cocaine to UF1. Pedro and UF1 were behind the pool table and in direct view of the bar. Immediately afterwards, Officer Z followed UF1 into the women's restroom where UF1 handed three small clear bags of cocaine to Officer Z. In return, Officer Z handed \$100 in US currency to UF1. (Exhibits 5, 9)
28. At approximately 11:00 p.m., Investigator and Officers exited the Healy Post, returned to the Westford Police Department, where they reported their observations to the supervising DEA agents. Officer Z transferred the drugs to her superior for processing. The DEA Northeast Laboratory analysis results confirmed the substances were cocaine. Id.
29. On Thursday, May 18, 2023, at approximately 8:00 p.m., Investigators David and Keefe met with the DEA Task Force at the Westford Police Department. (Testimony, Exhibit 1)
30. At approximately 9:15 p.m., Investigator David and three DEA Officers ("Officers") entered the Healy Post in an undercover capacity and observed approximately 10 individuals inside the premises. Id.
31. The DEA Officers and Investigator David were served alcoholic beverages by Ms. Raneri. None of them were members of the Post. Id.
32. Investigator David was approached by a male individual identified as Mike. Mike offered Investigator David cocaine. This interaction took place at the center of the bar and in plain view of Ms. Raneri. Ms. Raneri heard Mike offer Investigator David drugs and told him to stop. Id.
33. Officer Z spoke to Pedro and at approximately 10:12 p.m., they exited the back door together. They walked around to the left side door and re-entered the premises at 10:14 p.m. During this time Officer Z purchased three small plastic bags of cocaine from Pedro utilizing \$100 in U. S. Currency. (Testimony, Exhibits 1, 6, 10)
34. At approximately 11:05 p.m., Investigator David and the Officers exited the Healy Post, returned to the Westford Police Department, where they reported their observations to the supervising agents. Officer Z transferred the illegal drugs to her superior for field testing and processing. The DEA Northeast Laboratory analysis results confirmed the substances were cocaine. (Exhibits 6, 10)

35. On Thursday, June 8, 2023, at approximately 8:00 p.m., Investigators David and Keefe met with the DEA Task Force at the Westford Police Department. (Testimony, Exhibit 1)
36. On June 8, 2023, at approximately 8:45 p.m., Investigator David and three DEA officers (“Officers”) entered the licensed premises in an undercover capacity where they observed approximately 15 individuals inside. The Officers and Investigator David were served alcoholic beverages by Ms. Raneri and none of them were members of the Post. Id.
37. On Thursday, August 10, 2023, Investigators Gardner and Keefe spoke with the manager of record, Patricia Raneri, and Commander of the Post, William Vullo. Id.
38. Investigators advised Ms. Raneri and Mr. Vullo of the violations and that a report would be submitted to the Chief Investigator for further action. Id.
39. Mr. Vullo and Ms. Raneri appeared at the Commission hearing along with Terry Spader, Clerk. The Licensee does not dispute what was reported by Investigator David and acknowledged the thorough investigation conducted. (Testimony)
40. Ms. Raneri testified and referred to the Healy Post as a “neighborhood bar.” In response to allegations regarding service of alcohol to non-members, she stated she had no reason to question Investigators because they were well behaved adults. Id.
41. Mr. Vullo testified they have since educated themselves and any staff of the Post and have posted signs within the licensed premises regarding club rules and prohibiting drug use, as well as instating a membership book. (Testimony, Exhibits A, B, C, D, E, F)
42. The Licensee has held a license under M.G.L. c. 138, § 12 since 1974 with one prior violation.

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm’n., 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in M.G.L. c. 138.

M.G.L. c. 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was “enacted ... to serve the public need and ... to protect the common good.” M.G.L. c. 138, §23. “[T]he purpose of discipline is not retribution, but the protection of the public.” Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981) (emphasis supplied). The Commission is given “comprehensive powers of supervision over licensees.” Connolly, 334 Mass. at 617. The Commission’s decision must be based on substantial evidence. See Embers of Salisbury, Inc. v. Alcoholic Beverages Control Comm’n., 401 Mass. 526, 528 (1988). “Substantial evidence” is “such evidence as a reasonable mind might accept as adequate to support a conclusion.” Id. Evidence from which a rational mind might draw the desired inference is not enough. See Blue Cross and Blue Shield of Mass. Inc., v. Comm’r of Ins., 420 Mass 707, 710 (1995). Disbelief of any particular evidence does not constitute substantial evidence to the contrary. New Boston Garden Corp. v. Bd. of Assessor of Boston, 383 Mass. 456, 467 (1981).

The Licensee is charged with a violation of 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: MGL c. 94C Violation of the Controlled Substances Act.

204 CMR 2.05(2) provides that “[n]o licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.” The law is well-settled that “under the regulation, [204 CMR 2.05(2)] the responsibility of the licensee is to exercise sufficiently close supervision so that there is compliance with the law on the premises.” Rico’s of the Berkshires, Inc. v. Alcoholic Beverages Control Comm’n, 19 Mass. App. Ct. 1026, 1027 (1985). A vendor who sells alcohol is “bound at his own peril to keep within the condition of his license.” Commonwealth v. Gould, 158 Mass. 499, 507 (1893); Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Comm’n, 11 Mass. App. Ct. 785, 788 (1981).

In determining a licensee’s liability, the Commission is not required to make a finding that the licensee actually knew drug activity was taking place within its licensed premises. As the Appeals Court held in New Palm Gardens Inc. v. Alcoholic Beverages Control Comm’n, Mass. App. Ct. 785, 798 (1981), “[i]t is ... quite possible for a licensee to offend the regulatory scheme without scienter.”

Furthermore, a licensee “need not have been a participant in the illegal conduct to have violated the regulation.” DeMello v. Alcoholic Beverages Control Comm’n, 411 Mass. 1001 (1991) (affirming Commission’s affirmation of local board’s decision to revoke license because of illegal sales of controlled substances on the licensed premises); See Rum Runners Inc. v. Alcoholic Beverages Control Comm’n, 43 Mass. App. Ct. 248 (1997) (licensee “permitted” a violation where bartender was aware of drug transaction and did not take positive action to stop the violation and prevent its recurrence). In Rum Runners, a patron was a drug dealer who sat next to another patron at the bar and removed a folded three-inch paper square in exchange for \$50.00 while the second patron made eye contact with the bartender. The Appeals Court in Rum Runners, noted that such conduct, “supports attribution of the bartender’s knowledge to the licensee.” See id. at 250-251. The Appeals Court then affirmed the licensee’s suspension. See id.

The Commission is convinced that here the license manager who was also working as the bartender on each night of the investigation knew or should have known that drug activity was taking place inside the premises. She heard at least one patron offer an Investigator drugs and admittedly simply told the patron to stop. (Testimony) The interior of the Healy Post is not very large, and the entire premises can be observed from the bar. (Testimony, Exhibit 1) The evidence shows suspicious activity took place within the establishment and in clear view of the licensee’s manager of record who was working as bartender. (Exhibits 1, 5, 6) As a result, the Commission finds that the Licensee permitted these violations as it knew or should have known that drug activity was taking place on the licensed premises.

The Licensee is also charged with a violation of M.G.L. c. 138, § 12 Sale of Alcoholic Beverages to Non-Members. The statute states, “[a]ny club in any city or town wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others.” M.G.L. c. 138, § 12. In this matter, the manager of record served alcoholic beverages to non-members. She admitted serving ABCC Investigators and simply argued she had no reason to

question them. (Testimony) Therefore, the Commission finds the Licensee violated M.G.L. c. 138, § 12.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

- 1) 204 CMR 2.05 (2) - Permitting an Illegality on the Licensed Premises, to wit: M.G.L. c. 94C Violation of the Controlled Substances Act;
- 2) M.G.L. Ch.138 § 12 Sale or delivery of alcoholic beverage to non-members.

On the first violation, 204 CMR 2.05 (2), to wit: M.G.L. Ch. 94C, the Commission **SUSPENDS the license for a period of 25 days of which 15 days will be served and 10 days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

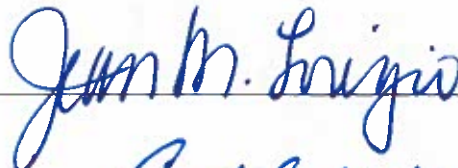
On the second violation, M.G.L. Ch.138 § 12, the Commission **SUSPENDS the license for a period of five (5) days.**

The Licensee will serve a total 20 days.

Furthermore, the Commission orders the Licensee to change its license manager, so that a more responsible manager is installed to operate the licensed premises. An application for change of manager must be filed within thirty (30) days of this decision.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

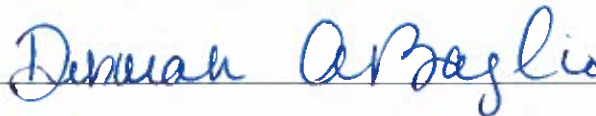
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: September 15, 2025

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