

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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

December 30, 2024

FREDERICK S. HEALY POST 159 AMERICAN LEGION INC.
D/B/A FREDERICK S. HEALY POST 159
2 CROSS STREET
WESTFORD, MA 01886
LICENSE#: 00005-VC-1442
VIOLATION DATE: 6/13/2023
HEARD: 2/6/2024

After a hearing on February 6, 2024, the Commission finds Frederick S. Healy Post 159 American Legion Inc. violated M.G.L. Ch. 138, § 23 - Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22A (49 counts);

The Commission **suspends the license for a period of seven (7) days of which five (5) days will be served and two (2) 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.**

The suspension shall commence on Monday, February 10, 2025, and terminate on Friday, February 14, 2025. The license will be delivered to the Local Licensing Board or its designee on Monday, February 10, 2025, at 9:00 A.M. It will be returned to the licensee on February 15, 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.

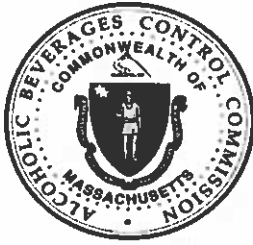
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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2023-000258-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Katherine McCormick, Associate General Counsel
Melissa Anderson, Investigator
Katelyn Quinn, Investigator
Nicole Terasconi, Investigator
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**FREDERICK S. HEALY POST 159 AMERICAN LEGION INC.
D/B/A FREDERICK S. HEALY POST 159
2 CROSS STREET
WESTFORD, MA 01886
LICENSE#: 00005-VC-1442
VIOLATION DATE: 6/13/2023
HEARD: 2/6/2024**

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, February 6, 2024, regarding alleged violations of:

- 1) M.G.L. Ch. 138, § 23 - Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22A (49 counts);
- 2) 204 CMR 2.05(2) - Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 64C § 34 Sale, Offering for sale, Possession with intent to sell Cigarettes without a Massachusetts stamp. (19 counts);
- 3) M.G.L. Ch. 138, § 1 - Such club shall file with the local licensing authorities and the commission annually within three months after January first in each year a list of the names and residences of its officers (7 counts).

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Report;
 2. Photographs of Alcoholic Beverages Confiscated;
 3. Photographs of Cigarettes Confiscated;
 4. Photographs of Receipts from Package Stores;
 5. Licensee's Stipulation of Facts;
 6. ABCC Form 43, New Officer/Director Approval, 7/31/2015.
- A. Licensee's Annual Reports for 2017, 2018, 2019, 2020, 2021, 2022, 2023, dated 6/17/2023.

The record was left open until February 9, 2024, to allow the Licensee to submit its Annual Reports. Said Reports were timely received and as a result, the Investigation and Enforcement Division withdrew the charge of a violation of M.G.L. Ch. 138, § 1 (7 counts).

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

FINDINGS OF FACT

1. On Tuesday, June 13, 2023, at approximately 3:15 p.m., Investigators Anderson, Terasconi, and Keefe ("Investigators") along with Westford Police Detective Dennis Rogers and Lieutenant Christopher Ricard investigated the business operation of Frederick S. Healy Post 159 American Legion.
2. Investigators identified themselves to the bartender, Judy Spalding, and informed her they would be conducting an inspection. Investigators inspected the bar area, and an area directly behind the bar that was being used as a kitchen and storage area.
3. In the kitchen area, Investigators observed several cases of alcoholic beverages with bright orange circular stickers affixed to them. Investigators recognized the stickers as similar to those used in Market Basket grocery stores for items that are not bagged.
4. Investigators observed a red plastic Budweiser bucket which contained cartons and individual packages of Marlborough and Marlborough Light cigarettes. Investigators observed the cigarette cartons had the New Hampshire tax stamp affixed to them, indicating they were not purchased in Massachusetts.
5. Investigators then asked Ms. Spaulding to contact the manager of record, Patricia Raneri, and club president, William Vullo. Ms. Spaulding and Mr. Vullo arrived at the Post within 30 minutes.
6. Ms. Raneri brought Investigators to a locked office located to the right of the bar area. She stated to Investigators that she had been purchasing alcoholic beverages for the Healy Post from package stores and grocery stores, including Market Basket in New Hampshire, One Stop in Littleton, and Westford Wine and Spirits.
7. Investigators located two receipts in the office which indicated an alcohol purchase from the New Hampshire State Liquor Commission in the amount of \$107.96 and another from Westford Wine and Spirits in the amount of \$98.99.
8. Ms. Raneri then brought Investigators to a closet filled with bottles of various brands of alcoholic beverages. Ms. Raneri stated that most of the bottles were purchased at package stores. She stated that she had not ordered alcoholic beverages from a Massachusetts wholesaler since June 2021.
9. Ms. Raneri was asked to remove from the closet the bottles of alcoholic beverages which were not purchased from a Massachusetts wholesaler. She confirmed the items with the orange stickers had been purchased at Market Basket in Nashua, New Hampshire.
10. Investigators confiscated more than 40 bottles of alcoholic beverages as well as Heineken beer, High Noon hard seltzer, White Claw hard seltzer and Twisted Tea malt beverage.

11. Investigators inquired as to where the Licensee purchased the cigarettes that were being sold at the licensed premises. Ms. Raneri stated they had purchased the cigarettes in New Hampshire. Investigators confiscated the cigarettes.
12. Investigators advised Ms. Raneri and Mr. Vullo of the violations and that a report would be submitted to the Chief Investigator for review.
13. Ms. Raneri and Mr. Vullo appeared at the Commission hearing.
14. The Licensee has held a license under M.G.L. c. 138, § 12 since 1974.

CONCLUSION

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

- 1) M.G.L. Ch. 138, § 23 - Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22A (49 counts);

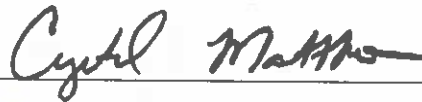
The Commission declines to take action as to the alleged violation of:

- 2) 204 CMR 2.05(2) - Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 64C § 34 Sale, Offering for sale, Possession with intent to sell Cigarettes without a Massachusetts stamp. (19 counts).

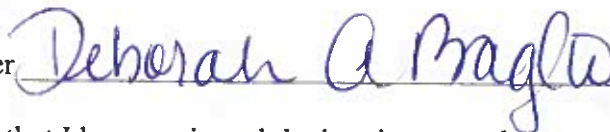
On the violation of M.G.L. Ch. 138, § 23, the Commission **suspends the license for a period of seven (7) days of which five (5) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

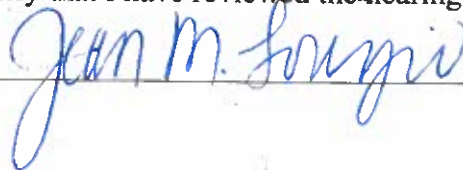


Deborah A. Baglio, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman



Dated: December 30, 2025

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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