



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

MEMORANDUM AND ORDER ON LICENSEE'S
REQUEST FOR RECONSIDERATION

FREDERICK S. HEALY POST #159 AMERICAN LEGION
2 CROSS STREET & BROADWAY
WESTFORD, MA 01886
LICENSE#: 144200005
VIOLATION DATE: 12/18/2014
HEARD: 08/05/2015

Frederick S. Healy Post #159 American Legion (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, July 28, 2015, regarding an alleged violation of M.G.L. c.138, §15A Change of Officers and Directors in the Corporation without Authorization.

By decision dated July 28, 2015, the Commission found the Licensee in violation of the charge and indefinitely suspended the License effective forthwith until further written order from this Commission.

The Commission stated that it would consider issuing a further order upon written request of the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the licensee attends. The July 28, 2015 decision specifically provided as follows:

Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspensions will include, but not be limited to, approval by both the Commission and the local licensing authorities of the appropriate application for approval of the current officers and directors of the Licensee.

In addition, the Licensee must file the appropriate annual reports pursuant to M.G.L. c. 138, §1 for the last ten (10) years from calendar year 2005 through calendar year 2015.

By letter dated July 31, 2015, the Licensee requested a hearing to reconsider the indefinite suspension. The Licensee submitted the annual reports for calendar years 2005 through 2015. The Licensee attended a hearing before the Commission on August 5, 2015, and argued that good cause exists to reconsider the indefinite suspension.

Before the hearing, the Licensee submitted an application to change its officers and directors, including information evidencing that all officers and directors of the corporation are current and registered with the Secretary of State's Office. That application was approved by the local licensing authorities and subsequently approved by the Commission on July 31, 2015.

There is one (1) audio recording of this hearing and one (1) witness testified. The Commission took administrative notice of the Commission records regarding this Licensee.

CONCLUSION

The documents the Licensee provided convinced the Commission that the Licensee has fully complied with the prior order.

Based on the evidence presented at the hearing, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of Frederick S. Healy Post #159 American Legion. **effective forthwith.**

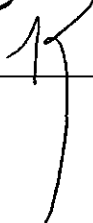
The indefinite suspension is reconsidered and reversed to a suspension of time served from July 28, 2015 to August 5, 2015.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner

A handwritten signature in cursive script, reading "Kathleen McNally", written over a horizontal line.

Kim S. Gainsboro, Chairman

A handwritten signature in cursive script, reading "Kim S. Gainsboro", written over a horizontal line.

Dated: August 5, 2015

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 via facsimile 978-399-2555
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File