



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

*Steven Grossman*  
*Treasurer and Receiver General*

**NOTICE OF SUSPENSION**

*Kim S. Gainsboro, Esq.*  
*Chairman*

August 6, 2014

**AMERICAN LEGION POST #22**  
**33 LEGION PARKWAY**  
**WHITMAN, MA 02382**  
**LICENSE#: 146200007**  
**VIOLATION DATE: 03/06/2014**  
**HEARD: 08/05/2014**

After a hearing on August 5, 2014, the Commission finds the American Legion Post #22 in violation of:

- 1) M.G.L. Ch. 138, §1 – Failure to file with the Commission annually a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages; and
- 2) M.G.L. Ch. 138, §15A - Change of Officers and Directors in the non-profit Corporation without authorization.

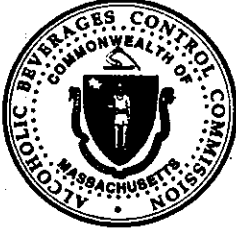
The above-captioned licensee's license is **SUSPENDED INDEFINITELY EFFECTIVE FORTHWITH** until further written order from this Commission.

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  
Christopher Temple, Investigator  
Ralph Quimby, Esq. via facsimile 781-447-3852  
Administration  
File



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**DECISION**

**AMERICAN LEGION POST #22**  
**33 LEGION PARKWAY**  
**WHITMAN, MA 02382**  
**LICENSE#: 146200007**  
**VIOLATION DATE: 03/06/2014**  
**HEARD: 08/05/2014**

American Legion Post #22 (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, August 5, 2014, regarding an alleged violation of:

- 1) M.G.L. Ch. 138, §1 - Failure to file with the Commission annually a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages; and
- 2) M.G.L. Ch. 138, §15A - Change of Officers and Directors in the non-profit Corporation without authorization.

Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Temple's Investigative Report dated March 6, 2014.

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

**FACTS**

1. On December 7, 1993, the American Legion Post #22 filed an application for a change of manager to Clement J. Martineau. Within that filing the Licensee listed their corporate officers, directors, and managers as:
  - o Clement Martineau - manager
  - o Ed Broadford - E-board
  - o Robert Cushman - E-board
  - o Donald MacCormick - E-board
  - o Robert Mantry - E-board
  - o Ronald Mullen - E-board
  - o Robert Pratt - E-board
  - o William (Last Name Unknown) - E-board
2. The Commission approved the change of manager application January 10, 1994.

3. From December 7, 1993, to April 24, 2014, the Licensee did not file any documents with this Commission indicating a change in officers and directors.
4. On March 28, 2011, the American Legion Post #22 filed an application for a change of manager to Ralph Qimby. The Commission approved the change of manager application May 4, 2011.
5. On March 5, 2014, the Licensee filed its articles of organization with the Secretary of State, Corporations Division, and listed their current corporate officers, directors, and stockholders as:
  - o Richard Cameron – President
  - o James G. Murphy Jr. – Treasurer
  - o Christopher Tracey – Clerk
  - o John Akuss – Director
  - o William Coyle – Director
  - o Paul Tracey – Director

### CONCLUSION

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

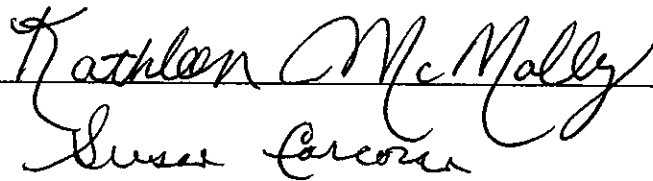
- 1) M.G.L. Ch. 138, §1 – Failure to file with the Commission annually a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages; and
- 2) M.G.L. Ch. 138, §15A - Change of Officers and Directors in the non-profit Corporation without authorization.

Therefore, for violation of M.G.L. Ch. 138, §1 the Commission **INDEFINITELY SUSPENDS** the license of American Legion Post #22 **effective forthwith**, until further written order of the Commission.

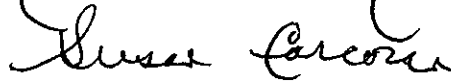
The Commission will not issue any further order without a written request from the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the Licensee attends. Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspensions will include, but not be limited to, the Licensee filing with both the Commission and the local licensing authorities the appropriate annual reports pursuant to M.G.L. Ch. 138, section 1, for the years 2003 through 2014 and the Licensee files the appropriate application for approval of the current officers and directors of the Post and that appropriate application if granted by the local licensing authorities and approved by the Commission.

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: August 6, 2014

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  
Christopher Temple, Investigator  
Ralph Qimby, Esq. via facsimile 781-447-3852  
Administration, File