



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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

MEMORANDUM AND ORDER ON LICENSEE'S
REQUEST FOR RECONSIDERATION

AMERICAN LEGION POST #22
33 LEGION PARKWAY
WHITMAN, MA 02382
LICENSE#: 146200007
VIOLATION DATE: 03/06/2014
HEARD: 08/26/2014

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.

By decision dated August 6, 2014, the Commission found the licensee in violation of the charge and **INDEFINITELY SUSPENDED** the license **EFFECTIVE FORTHWITH**. In its decision, the Commission held that it would not issue any further order without a written request for a hearing from the Licensee to show good cause exists to reconsider the 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.

By letter dated August 15, 2014, the counsel for the Licensee requested a hearing to reconsider the indefinite suspension. On Tuesday, August 26, 2014, a hearing for the motion for reconsideration was held.

The licensee attended the hearing before the Commission and argued that good cause exists to reconsider the indefinite suspension. The Licensee submitted a complete application which was approved by the Commission on this date. The Commission is satisfied that all appropriate actions have been taken by the Licensee.

Based on the evidence, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of American Legion Post #22 **effective forthwith**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Susan Corcoran, Commissioner 

DATE: August 26, 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

Administration
File