



*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*  
July 22, 2011

**Re:** SSBY, LLC  
**DBA:** CLUB MINT  
**Premise:** 18 GRAFTON STREET  
**City/Town:** WORCESTER, MA 01604  
**License #:** 150800464  
**Heard:** March 1, 2011 (1 of 2)

After a hearing on March 1, 2011, the Commission finds SSBY, LLC dba Club Mint in violation of M.G.L. c.138, §23 (5 counts), M.G.L. c.94, §186 (9 counts), M.G.L. c. 138 §14 (4 counts) and 204 CMR 2.01 (8) (1 count).

The Commission **suspends the licensee's license for a total of four (4) days to be served.** The suspension shall commence on **Wednesday, September 7, 2011** and terminate on **Saturday, September 10, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 7, 2011 at 9:00 A.M. It will be returned to the licensee Sunday, September 11, 2011.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Rose Bailey, Investigator  
Administration  
File

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**DECISION**

**Re:** SSBY, LLC  
**DBA:** CLUB MINT  
**Premise:** 18 GRAFTON STREET  
**City/Town:** WORCESTER, MA 01604  
**License #:** 150800464  
**Heard:** March 1, 2011 (1 of 2)

SSBY, LLC dba Club Mint (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 1, 2011, regarding an alleged violation of M.G.L. c.138, §23 (5 counts), M.G.L. c.94, §186 (9 counts), M.G.L. c.151A, §14 (4 counts) and 204 CMR 2.01 (8) (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Rose Bailey's Report;
3. Five (5) Bottles of Alcohol pertaining to M.G.L. c.138, §23; and
4. Nine (9) Bottles of Alcohol pertaining to M.G.L. c.94, §186.

There is one (1) tape of this hearing.

**FACTS**

1. On February 23, 2010 at approximately 10:30 p.m., Investigators Keefe and Bailey entered SSBY, LLC dba Club Mint to determine the manner in which business is conducted and to address an anonymous complaint regarding the illegal purchase of alcohol and the non-payment of taxes.
2. Investigators informed the manager on duty that a complaint had been filed and an inspection would be conducted.
3. While inspecting the storage room, investigators found approximately thirty (30) cases of beer of various brands as well as empty cases.
4. The storage room did not contain any other type of stored alcoholic beverages.
5. Investigators asked the manager when the last order of alcohol was received and he stated sometime during the week.
6. He further stated that his partner had placed and received the order.

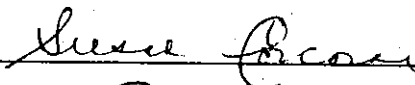
7. Investigators asked to see the invoices for the purchases and the manager stated they were at his residence.
8. Investigators made arrangements to have the manager fax the invoices to the commission for review.
9. Investigators asked the manager if they could inspect the bar area.
10. Prior to the inspection, investigators asked the manager if he had purchased alcoholic beverages at anytime from an entity other than a wholesaler.
11. The manager responded that he had on a few occasions purchased alcohol from a package store.
12. Investigators observed and placed aside five (5) bottles of alcoholic beverages with a sticky residue like substance on the exterior.
13. Based upon the Investigator's experience and training, the sticky glue like substance is evidence that the alcoholic beverages had been purchased from a \$15 retail package store.
14. The following five (5) bottles were taken into evidence:
  - 1.0L Bacardi Rum
  - 1.0L E & J Brandy
  - 1.0L Southern Comfort
  - 1.0L Dekuyper Raspberry Liqueur
  - 1.0L Juarez Gold Tequila
15. While conducting the inspection of the bar, investigators observed multiple bottles of alcoholic beverages containing a foreign matter, specifically fruit flies.
16. The following nine (9) bottles were taken as evidence:
  - 1.0L Dekuyper Pineapple Coconut Liqueur
  - 1.0L Captain Morgan Rum
  - 1.0L Butterscotch Schnapps
  - 1.0L Dekuyper Crème De Menthe
  - 1.0L Beefeater Gin
  - 1.0L Hiram Walker Sloe Gin Liqueur
  - 1.0L Dekuyper Crème De Cacao
  - 1.0L Martini & Rossi Vermouth
17. Investigators showed the manager the confiscated evidence and informed him that a report would be submitted to the Chief Investigator of the Commission for review.
18. Investigators then asked the manager if they were up to date with the license taxes.
19. The manager stated they were currently involved in a payment arrangement with the Department of Revenue.
20. The investigators asked them if they owed the Department of Unemployment Assistance or Fair Share Contribution and the manager responded that they only had five (5) employees and they worked a few hours per week on a rotating basis.
21. He stated business has been slow and until last week he and his partner had been doing everything.
22. Notification was received from the Department of Unemployment Assistance indicating the licensee was not in compliance with M.G.L. c. 138 §14.
23. The licensee stipulated to the offense and an administrative review revealed that there were no prior violations.
24. The licensee testified he was experiencing financial difficulties and found it necessary to order from non-distributors.
25. He testified that he knew at the time that it was not the right thing to do.

### CONCLUSION

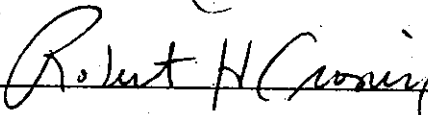
Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §23 (5 counts), M.G.L. c.94, §186 (9 counts), M.G.L. c. 138 §14 (4 counts) and 204 CMR 2.01 (8) (1 count). Therefore, the Commission **suspends the licensee's license for nine (9) days of which four (4) will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner



Robert H. Cronin, Commissioner



Dated: July 22, 2011

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  
Rose Bailey, Investigator  
Administration  
File