

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

Steven Grossman
Treasurer and Receiver General

DECISION

Kim J. Gainsboro, Esq.
Chairman

ATHOL-ORANGE LODGE #1837 B.P.O.E. OF USA INC.
NEW ATHOL ROAD
ORANGE, MA 01364
LICENSE#: 093200012
HEARD: 9/27/2011

Athol-Orange Lodge #1837 B.P.O.E. of USA, Inc. (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, September 27, 2011, regarding an alleged violation of 204 CMR 2.05 (2). At the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Dennis Keefe's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Dennis Keefe's Report; and
3. Two (2) Bottles of Alcohol.

There is one (1) tape of this hearing.

FACTS

1. On Wednesday, June 29, 2011 at approximately 2:00 p.m., Investigators Bailey and Keefe entered the above referenced licensed premise to determine the manner in which the business was conducted, and to address an anonymous complaint filed with the Alcoholic Beverages Control Commission.
2. The investigators identified themselves to a male, identified later as Chad Songer, and asked to speak with the manager.
3. Mr. Songer indicated he was manager of record.
4. The investigators informed Songer that an anonymous complaint had been filed with the Alcoholic Beverages Control Commission and they would be conducting an inspection of the licensed premises.
5. Investigator Bailey observed two (2) bottles of alcoholic beverages containing a foreign matter, specifically fruit flies and other foreign material.
6. The following two (2) bottles were taken as evidence:
 - Bacardi Gold, one (1) liter
 - Dekuyper Crème de Cacao, one (1) liter
7. While their investigation continued, investigators also observed five (5) electronic video devices.
8. Investigators questioned Mr. Songer about the devices and received little cooperation.

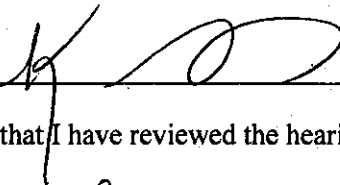
9. Investigators were not able to gain access to the bottom portion of the safe, located in the office, which had a separate lock, nor were they able to gain access to the locked money bags.
10. Mr. Songer stated that different members associated with the club held the keys.
11. Also, while Investigator Keefe exited the bathroom, he observed a female bartender placing items into her pocketbook.
12. She stopped once she was aware of Investigator Keefe's return.
13. Investigator Keefe was able to see in plain sight two (2) white dice were placed in a cup.
14. Investigators provided the manager of record, Chad Songer, with a listing of the confiscated evidence and informed him of the law, and that a report would be submitted to the Chief Investigator for review.
15. Investigators then exited the premise without incident.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws 204 CMR 2.05 (2). The Commission **suspends the license for eleven (11) days of which five (5) days will be served and six (6) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

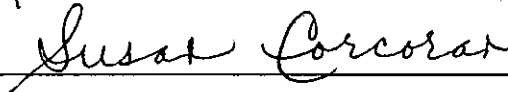
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Susan Corcoran, Commissioner



Dated: November 17, 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
Dennis Keefe, Investigator
Administration
File