

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

NABNASSETT AMERICAN LEGION POST #437 INC.
114 DUNSTABLE RD.
WESTFORD, MA 01886
LICENSE#: 144200006
VIOLATION DATE: 12/18/2014
HEARD: 05/12/2015

Nabnasset American Legion Post #437 Inc. (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, April 7, 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 April 14, 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 April 14, 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, the Licensee filing with both the Commission and the local licensing authorities 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 May 7, 2015, the Licensee requested a hearing to reconsider the indefinite suspension. The Licensee along with Counsel, attended a hearing before the Commission on May 12, 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 May 8, 2015.

As for the Commission's April 14, 2015 order that the Licensee must file with the local licensing authority and the Commission the appropriate annual reports pursuant to M.G.L. c. 138, §1 for the years 2005 through 2015, at the hearing, the Licensee submitted its annual reports for 2005 to 2015.

Per the Commission's request, the Licensee has also submitted a statement listing the charities that the Licensee supports.

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

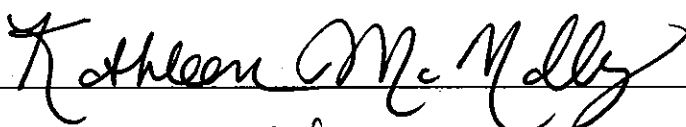
CONCLUSION

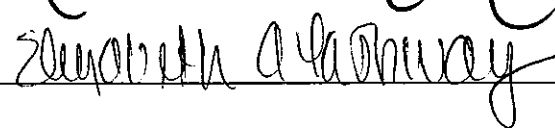
The documents the Licensee provided convinced the Commission that the Licensee has fully complied with the prior order. Counsel for the Licensee stated that all documents have been filed with both the local licensing authorities and the Commission as ordered.

Based on the evidence presented at the hearing, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of Nabnasset American Legion Post #437 Inc. **effective forthwith.**

The indefinite suspension is reconsidered and reversed to a suspension of time served from April 14, 2015 to May 12, 2015.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Elizabeth A. Lashway, Commissioner 

Dated: May 12, 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
- Frederick G. Mahony, Chief Investigator
- Dennis Keefe, Investigator
- Christopher Temple, Investigator
- Michael Teehan, Investigator
- Daniel Haskard, Esq.
- Administration
- File