

NOTICE OF SUSPENSION

February 17, 2011

Re: Revere Businessmen's Association, Inc.
Premise: 163 Squire Road
City/Town: Revere, MA 02151
License #: 102200120
Heard: November 9, 2010

After a hearing on November 9, 2010 the Commission finds Revere Businessmen's Association, Inc. in violation of Massachusetts General Laws c. 138, §64.

The Commission **suspends the licensee's license for a total of thirty (30) days to be served.** The suspension shall commence on **Wednesday, April 6, 2011 and terminate on Thursday, May 5, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 6, 2011 at 9:00 A.M. It will be returned to the licensee Friday, May 6, 2011.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within 30 days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Charles R. Balliro, Esq.
File

DECISION

Re: Revere Businessmen's Association, Inc.
Premise: 163 Squire Road
City/Town: Revere, MA 02151
License #: 102200120
Heard: November 9, 2010

Revere Businessmen's Association, 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 November 9, 2010 regarding an alleged violation of M.G.L. c.138, §64. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's Report.

The following documents are in evidence:

1. Stipulation of Facts;
 2. Investigator Brad Doyle's report;
 3. Commission Decision from December 2009; and
 4. Letter from John Ferrelli.
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- A. Photograph of Door;
 - B. Photograph of Sign on Door; and
 - C. Photograph of Back Room.

There is one (1) tape of this hearing.

FACTS

1. In 2009, the Revere Businessmen's Association applied for an all alcoholic beverage license. Ex. 1.
2. The Commission denied the application as a result of previous activity by the applicant. Ex. 1.
3. In its decision, the Commission stated it would consider approving an application in the future by the applicant, provided that the applicant does not possess in or on the licensed premises any automatic amusement devices/video poker machines and that the applicant not apply for any license under M.G.L. c. 140 for any automatic amusement device/video poker machine as long as the applicant holds a license under M.G.L. c. 138. Ex. 2.
4. On February 25, 2010, the Commission received another application for an all alcoholic beverage license for the Revere Businessmen's Association. As part of

5. On April 28, 2010, the Commission approved a new all alcohol club license for the Revere Businessmen's Association. Ex. 2.
6. On Thursday, August 12, 2010, at approximately 7:45 PM, Investigators Capurso and Doyle entered the licensed premises to determine if the licensee was in compliance with the conditions of the liquor license. Ex. 2.
7. The Investigators identified themselves and asked to speak to the owner or manager. Mr. Rosario Balliro identified himself as the manager of record. Ex. 2.
8. Investigators conducted an inspection of the bar accompanied by Mr. Balliro. Ex. 2.
9. In a room at the rear of the building, investigators noticed two (2) automatic amusement devices that were covered with a white sheet. These devices were not plugged in. Ex. 2.
10. Mr. Balliro opened each machine and demonstrated that they were empty. Investigators asked Mr. Balliro if there were any other devices on the premises. Ex. 2.
11. Mr. Balliro stated there was another device in the kitchen area. This device was also covered with a white sheet and unplugged. He opened this device which also revealed no contents. Ex. 2.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §64. Although the machines appeared to be unused, their presence alone was a violation of the conditions set forth in the license application and agreed to by the licensee. Therefore, the Commission **suspends the license for thirty (30) days. The Commission will not consider or accept an offer in compromise to pay a fine in lieu of suspension.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____

Susan Corcoran, Commissioner _____

Dated: February 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
Brad Doyle, Investigator
Charles R. Balliro, Esq.
File