

# TOWN OF NATICK

NATICK, MASSACHUSETTS 01760



## POLICE DEPARTMENT

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## AMVETS Liquor License Inspection Report

November 29, 2022

On Thursday, November 24, 2022 (Thanksgiving) at 10:00AM the Natick Police Department conducted an inspection, pursuant to their Liquor License, at the AMVETS Post 79, located at 79 Superior Drive. In reviewing the Posts current "2022 Club Alcohol License" the hours during which alcoholic beverages may be sold are stated as being from 11:00 AM to 2:00 AM Monday through Saturday. I was also aware that no permits to open earlier on this date had been issued by the Local Licensing Authority (Natick Select Board.)

At approximately 9:45am Sgt. Scott Lacerra entered the Post's parking lot immediately adjacent to the building and noticed 6-8 vehicles. The Main door in the front of the building was closed and locked. The rear entrance was propped open and conversations could be heard from inside the service area. Ten (10) people were found sitting at the bar with alcoholic beverages placed in front of them. These beverages were determined to be Bloody Mary's and Budweiser beer.

The on-duty bar tender was identified as Thomas Lupien. Mr. Lupien indicated he had been contacted by the James Sheridan who asked that he open the bar early. Mr. Sheridan is known to me as the 2022 Licenses Manager of Record. Mr. Lupien was asked if he was aware that the Post's license did not allow for the serving of alcoholic beverages this early, to which he related "Yes." Mr. Lupien identified the Manager of the AMVETS as Catherine Lopez. Mr. Lupien indicated that Ms. Lopez had just gone to Dunkin Donuts and would be returning shortly. Mr. Lupien was asked to call her which he did. During this call it was determined that Ms. Lopez was not at Dunkin Doughnuts, but rather was at her home in Framingham. During this time, with Sergeant Lacerra present in the lounge area, another gentleman entered the bar area and requested a Guinness, which Lupien served him, even after being advised that what was occurring was against the rules of the current liquor license.

Upon the arrival of Ms. Lopez, she provided, at our request, copies of the Alcohol Beverage Training Certificates for Mr. Lupien and herself. Ms. Lopez related that she has left the AMVETS around 9:30am and at that time just the cleaning crew and Mr. Lupien were there and no one was consuming alcoholic beverages. This was not consistent with our observations

upon arrival at 9:45am. It appeared that the people drinking had been there for some time and there was a tray with shrimp and other garnish that would be used when making a Bloody Mary. It appeared that this was a planned event. Ms. Lopez related that she never authorized liquor to be served and when she entered the bar she made Mr. Lupien remove all the alcoholic beverages.

In further conversation with Mr. Lupien he related that he was contacted directly by Mr. Sheridan who indicated that it was not right that there was no place to go before and after the Natick Thanksgiving Day Football Game. Mr. Lupien related that Mr. Sheridan requested he (Lupien) open up early and that he (Sheridan) would come after the game and help him bartend.

While this investigation was going on I had the occasion to speak by telephone with Mr. Sheridan. I began by informing him that we were doing an inspection and found that the Post was serving alcoholic beverages outside of their permitted hours. Mr. Sheridan's initial response was "You're doing an inspection today?" After confirming this with Mr. Sheridan and asking if he was aware that liquor was being served "he related he was not." I informed Mr. Sheridan that the on-duty bartender was saying he was serving on his (Sheridan's) orders to open early. Mr. Sheridan related that the bartender was not serving on his orders, and asked who the bartender was. I informed Mr. Sheridan that he was the current Manager of Record, which he related that he was not. Mr. Sheridan than remarked "on paper maybe."

## **Conclusion:**

We recommend that the Natick Select Board, acting as the Local Licensing Authority (LLA), hold a hearing charging the AMVETs with:

1. Selling Alcoholic Beverages to be drunk on premise in violation of their 2022 Club Alcohol License, MGL Chapter 138, s.12, paragraph 6:

**"The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven o'clock postmeridian, and no tavern shall be kept open on any such day between one o'clock antemeridian and eight o'clock antemeridian; provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day's business or opening or closing the business in an orderly manner. The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks' notice of the public hearing."**

2. Failing to notify the LLA of a change of Manager in violation of MGL Chapter 138, Section 26:

**“No corporation, organized under the laws of the commonwealth or of any other state or foreign country, shall be given a license to sell in any manner any alcoholic beverages unless such corporation shall have first appointed, in such manner as the licensing authorities by regulation prescribe, as manager or other principal representative, a citizen of the United States, and shall have vested in him by properly authorized and executed written delegation as full authority and control of the premises, described in the license of such corporation, and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the commonwealth, nor unless such manager or representative is, with respect to his character, satisfactory to the licensing authorities.”**

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'B. Lauzon', with a stylized flourish at the end.

Brian G. Lauzon, Deputy Chief  
Natick Police Department