

TOWN OF WINCHENDON

LOCAL LIQUOR LICENSING AUTHORITY

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LIQUOR LICENSE VIOLATION PENALTY GUIDELINES

By virtue of the authority contained in Chapter 138 of the Massachusetts General laws, the Board of Selectmen for the Town of Winchendon, (the Board), serving as the Town's Liquor Licensing Authority, hereby promulgates these Regulations governing Liquor License Violation Penalties. These regulations shall supersede any previous regulations or policies issued by the Town of Winchendon. The Board has the power to amend these regulations periodically from time to time as it sees fit, upon the provision of advance notice.

All licenses issued for the sale in any manner of any alcoholic beverage shall be issued on the condition of full compliance with Massachusetts General Law Chapter 138. The failure to comply shall constitute sufficient grounds for suspension, cancellation or revocation of a license.

The Board will impose penalties for offenses consistent with this policy including but not limiting to:

- Sales to minors
 - Sales of alcoholic beverages to person(s) under 21
 - Permitting person(s) under 21 to consume
 - Furnishing or causing to be furnished alcoholic beverages to person(s) under 21
- Unsupervised sales by person(s) under 18
- Sales to obviously intoxicated person(s)
- Sale and/or Consumption after hours by public, by employees and friends or by employees only
- Illegal Solicitation of Alcoholic Beverages
- Employees accepting alcoholic drinks
- Refilling: With different/With same brand/Contaminated Bottles (insects, etc.)
- Substitution of Brands
- Club Licenses, Sale to Non-Guest and Non-Invitee
- Sale to Purchase Between Retailers
- Licensee or Bartender Working In Premises While Intoxicated
- Licensee or Employee Resisting Arrest or Interfering With Investigation on The Premises
- Licensee or Employee Not Permitting Inspection of premises or records
- Alcoholic Beverage Not Permitted By License: Sale/Possession
- Illegal/Unlicensed Gambling:
 - Organized (bookmaking, football cards, etc.)
 - Local (cards, dice, football & baseball pools, etc.)
 - Unlicensed Electronic/video games (slot machines, Poker, 21, etc.) – possession
 - Electronic/video with payoffs
- Disorderly House, Prostitution, Lewd Conduct :
- Occasional or isolated offenses

- Recurring/aggravated offenses
- Nudity
- Narcotics:
 - Transactions on licensed premise
 - Paraphernalia, possession for sale
- Undisclosed Ownership :Hidden owner qualified
- Hidden owner not qualified
- Commission of Crime Involving Moral Turpitude¹:
 - Committed on premises , away from premises (petty theft/shoplifting), committed away from premises (other than petty theft)
- Conviction of a crime involving moral turpitude
- Violation Of License Conditions
- Sale of alcoholic beverages while under suspension
- Receiving Stolen Property either by licensee on premises or by employee on premises
- EBT Card Violations either by Licensee or by employee with premises involvement:
 - Allowing purchases of alcoholic beverages
 - Trafficking (i.e. purchasing EBT cards at discount):
- Keg Registration violations
- Misrepresenting Material Fact on Application

Offenders may expect one or more of the following consequences as appropriate in the judgment of the Board:

Licensees are advised that the following chart represents guidelines for use by the Board when making their respective recommendation and decision in response to a liquor license violation. The Board, after a hearing with the licensee, and in accordance with mitigating and aggravating factors presented, retains the authority to deviate from these penalty guidelines where the circumstances are appropriate.

1. First Violation within Five (5) Years: a letter to a five (5) day suspension, regardless of amount of penalty suspended, if any;
2. Second Violation within Five (5) Years: Three (3) to fourteen (14) day suspension, regardless if amount of penalty suspended, if any;
3. Third Violation within Five (5) Years: Seven (7) day suspension up to revocation of license.

While the Board will endeavor to impose penalties upon licensees in a manner consistent with these regulations, where exigent or special circumstances warrant, such as a violation of the regulations resulting in serious personal injury or death, the Board retains the authority in such circumstances to immediately order a full hearing, provide a licensee an opportunity to present evidence, and to revoke a license where the evidence so warrants a revocation.

¹ Crime involving moral turpitude means a crime involving fraud, misrepresentation or deceit, including but not limited to fraud, misrepresentation or deceit in conducting business or obtaining a license or permit as well as any other crime that adversely reflects on the applicant or licensee.