



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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

NOTICE OF SUSPENSION

August 5, 2011

**RTE 58 CONVENIENCE, INC. DBA QUICKEEZ**  
**60 NORTH MAIN STREET**  
**CARVER, MA 02330**  
**LICENSE#: 017400026**  
**HEARD: 7/12/2011**

After a hearing on July 12, 2011, the Commission finds Rte 58 Convenience, Inc. dba QuickeeZ in violation of 204 CMR 2.05 (1) (17 counts).

The Commission **suspends the licensee's license for a total of five (5) days to be served.** The suspension shall commence on **Wednesday, September 28, 2011 and terminate on Sunday, October 2, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 28, 2011 at 9:00 A.M. It will be returned to the licensee Monday, October 3, 2011.

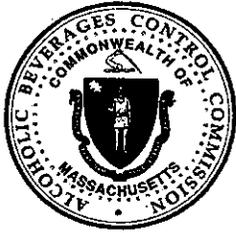
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

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

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator



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*Alcoholic Beverages Control Commission*  
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*Steven Grossman*  
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**DECISION**

**RTE 58 CONVENIENCE, INC. DBA QUICKEEZ**  
**60 NORTH MAIN STREET**  
**CARVER, MA 02330**  
**LICENSE#: 017400026**  
**HEARD: 7/12/2011**

Rte 58 Convenience, Inc. dba Quickeez (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, July 12, 2011, regarding an alleged violation of 204 CMR 2.05 (1) (17 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Michael Teehan's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Michael Teehan's Report;
3. World Touch Receipt date 09/15/2010;
4. World Touch Receipt date 09/16/2010;
5. World Touch Receipt date 09/29/2010;
6. World Touch Receipt date 09/23/2010;
7. World Touch Receipt date 03/11/2011;
8. World Touch Receipt date 10/01/2010; and
9. World Touch Receipt date 03/2/2011.

There is one (1) tape of this hearing.

**FACTS**

1. On September 1, 2010 at approximately 2:20 p.m., Investigator Teehan entered the licensed premises in an undercover capacity.
2. They observed two (2) electronic devices. The devices had lettering indicating "Phone Cards Nu Tell."
3. Investigator Teehan observed a male individual place U.S. currency into a device.
4. A register type paper was supplied from the device.
5. The male individual crumpled up the receipt and threw it in the trash next to the machine.

6. Investigator Teehan sat down in front of a device and took out twenty (20) dollars in U.S. currency from his wallet and asked the clerk on duty (later identified as Cal) to explain how the device is operated.
7. Cal approached the device and handed him the twenty (20) dollars in U.S. currency.
8. The clerk then inserted the twenty (20) dollars in U.S. currency into the device.
9. A register type paper with print on it was supplied from the device.
10. Cal crumpled up the receipt and threw it in the trash next to the machine.
11. Investigator Teehan observed that in addition to the register type paper, which on later dates were observed to provide calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
12. Investigator Teehan began to play a game on the device called Red Hot Deuces and over a period of time he accumulated winnings.
13. He then pressed the redeem button.
14. This caused the device to provide a receipt type piece of paper that contained printing stating "Cashout Ticket" and identified a dollar value "Cash \$30."
15. Investigator Teehan then walked over to the counter and handed Cal the receipt.
16. Cal handed him \$30 in US currency.
17. It appeared that Cal obtained the thirty (30) dollars in U.S. currency from the draw of the lottery machine.
18. Cal stated that the machine pays out eighty (80) percent of the time.
19. On September 10, 2010 at approximately 12:30 p.m., Investigator Teehan entered the licensed premises in an undercover capacity.
20. The same clerk (Cal) was on duty.
21. Investigator Teehan sat down in front of a device and placed twenty (20) dollars in U.S. currency into the device.
22. The device appeared to malfunction.
23. The clerk on duty came over to the device he placed another twenty (20) dollars in U.S. currency into the device, at which point a register type paper with printing on it was supplied from the device.
24. The clerk on duty again crumpled the receipt and threw it into the trash next to the machine.
25. Investigator Teehan observed that in addition to the register type paper, which on later dates were observed to provide calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
26. Investigator Teehan began to play a game on the device called Red Hot Deuces and over a period of time he accumulated winnings.
27. He pressed the redeem button.
28. This caused the device to provide a receipt type piece of paper that contained printing stating "Cashout Ticket" and identified a dollar value "Cash \$11".
29. He then walked over to the counter and handed the clerk the receipt. The clerk handed him eleven (11) dollars in U.S. currency.
30. It appeared to the Investigator that the clerk obtained the eleven (11) dollars in U.S. currency from the draw of the lottery machine.
31. On September 15, 2010 at approximately 11:45 a.m., Investigator Teehan entered the licensed premises in an undercover capacity.
32. The same clerk was on duty.

33. He approached the device and placed twenty (20) dollars in U.S. currency into the device.
34. He observed a register type paper with printing on it was then supplied from the device.
35. The printing indicated "50 MINUTES USA" along with twenty (20) PIN numbers.
36. He further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
37. He then placed ten (10) dollars in U.S. currency into the device.
38. He observed a register type paper with printing on it was then supplied from the device.
39. The printing indicated "50 MINUTES USA" along was ten (10) PIN numbers.
40. He further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were forty (40) "entries" that had been awarded for placing the ten (10) dollars in U.S. currency into the device.
41. He began to play a game on the device called Red Hot Deuces and over a period of time he did not accumulate winnings.
42. On September 16, 2010 at approximately 11:05 a.m., Investigator Teehan entered the licensed premises in an undercover capacity.
43. The same clerk (Cal) was on duty.
44. A short time later Investigator Kenny entered the premises, also in an undercover capacity.
45. He then placed twenty (20) dollars in U.S. currency into the device.
46. He observed a register type paper with printing on it was then supplied from the device.
47. The printing indicated "50 MINUTES USA" along with twenty (20) PIN numbers.
48. Investigator Teehan further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
49. He began to play a game on the device called Red Hot Deuces and over a period of time he accumulated winnings.
50. He then pressed the redeem button.
51. This caused the device to provide a receipt type piece of paper that contained printing stating "Cashout Ticket" and "Cash \$4.00."
52. The investigator then placed twenty (20) dollars in U.S. currency into the device.
53. He observed a register type paper with printing on it was then supplied from the device.
54. The printing indicated "50 MINUTES USA" along with twenty (20) PIN numbers.
55. He further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
56. He began to play a game on the device called Red Hot Deuces and over a period of time he accumulated winnings. The investigator then pressed the redeem button.

57. This caused the device to provide a receipt type piece of paper that contained printing stating "Cashout Ticket" and "Cash \$5.00."
58. He then walked over to the counter and handed the clerk the receipt.
59. The clerk handed him nine (9) dollars in U.S. currency.
60. It appeared to the Investigator that the clerk obtained the nine (9) dollars in U.S. currency from the draw of the lottery machine.
61. On September 23, 2010 at approximately 11:45 am, Investigator Teehan entered the licensed premises in an undercover capacity.
62. The same clerk (Cal) was on duty.
63. He then placed twenty (20) dollars in U.S. currency into the device.
64. He observed a register type paper with printing on it was then supplied from the device.
65. The printing indicated "50 MINUTES USA" along with twenty (20) PIN numbers.
66. He further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
67. He began to play a game on the device called Red Hot Deuces and over a period of time he accumulated winnings.
68. He then pressed the redeem button.
69. This caused the device to provide a receipt type piece of paper that contained printing stating "Cashout Ticket" and "Cash \$11."
70. He then walked over to the counter and handed the clerk the receipt.
71. The clerk handed him eleven (11) dollars in U.S. currency.
72. It appeared to the Investigator that the clerk obtained the eleven (11) dollars in U.S. currency from the draw of the lottery machine.
73. On September 29, 2010 at approximately 11:20 a.m., Investigator Teehan entered the licensed premises in an undercover capacity.
74. The same clerk (Cal) was on duty.
75. He then placed twenty (20) dollars in U.S. currency into the device.
76. He observed a register type paper with printing on it was then supplied from the device.
77. The printing indicated "50 MINUTES USA" along was twenty (20) PIN numbers.
78. He further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
79. He began to play a game on the device called Red Hot Deuces and over a period of time he accumulated winnings.
80. He then pressed the redeem button.
81. This caused the device to provide a receipt type piece of paper that contained printing stating "Cashout Ticket" and "Cash \$7.50."
82. He then placed twenty (20) dollars in U.S. currency into the device.
83. He observed a register type paper with printing on it was then supplied from the device.
84. The printing indicated "50 MINUTES USA" along with twenty (20) PIN numbers.
85. He further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were one hundred

- and forty (140) "entries" due to the combination of the remaining sixty (60) "entries" from the previous play and the ninety (90) "entries" that had been awarded for placing the additional twenty (20) dollars in U.S. currency into the device.
86. He again began to play a game on the device called Red Hot Deuces and over a period of time he accumulated winnings.
  87. He then pressed the redeem button. This caused the device to provide a receipt type piece of paper that contained printing stating "Cashout Ticket" and "Cash \$25.00."
  88. He then walked over to the counter and handed the clerk the receipt.
  89. The clerk handed him thirty-two (32) in U.S. currency.
  90. It appeared to the Investigator that the clerk obtained the thirty-two (32) in U.S. currency from the draw of the lottery machine.
  91. On February 9, 2011, Investigator Teehan entered the licensed premises in an undercover capacity.
  92. The same clerk (Cal) was on duty.
  93. He observed that the phone card devices had been moved and that there was an area of the store that contained approximately twenty-five (25) of what appeared to be electronic video devices. Cal stated that the phone card devices were shut off and that he was opening an internet café. There was a sign on the front door advertising "sweepstakes."
  94. There was a sign at the counter that stated "Special! Purchase \$25.00 internet time and receive 500 additional sweepstakes points – 1 per customer per day."
  95. There was also a sign at the counter that stated, "You are purchasing internet time for every \$1.00 of internet time, you will receive 100 sweepstake points to play our game for free. Any prizes revealed will be awarded in the form of cash."
  96. On February 10, 2011, Investigator Teehan entered the licensed premises in an undercover capacity.
  97. A female clerk was on duty.
  98. He approached the counter and told the clerk that he wanted to play the internet devices. He purchased a swipe card for twenty-five (25) dollars.
  99. The swipe card had printing on the front of it stating "PLAYER CARD" and a magnetic strip on the back of the card.
  100. The clerk stated that she did not know how the devices worked and that he would have to wait for Cal, who was in New York.
  101. He asked for a receipt to prove to Cal that he had made the purchase.
  102. One receipt provided indicated "Network time purchase, Sweepstakes 2500."
  103. The other receipt indicated, "Granting no-purchase sweepstakes points," "Sweepstakes 2500," "Sweepstakes 3000," and "Granted Sweepstakes 500."
  104. The investigator did not observe any indication on either receipt that indicated the amount of internet time.
  105. On February 11, 2011, Investigator Teehan entered the licensed premises in an undercover capacity.
  106. The clerk, Cal, was on duty.
  107. He asked Cal how to utilize the devices.
  108. Cal swiped the "PLAYER CARD" on one of the devices. He then stated verbal instructions as to how to play sweepstakes games.
  109. He began to play a game on the device called Deuces Wild and over a period of time he accumulated winnings.
  110. He then left the premises.

111. On February 24, 2011, Investigator Teehan entered the licensed premises in an undercover capacity.
112. The same clerk (Cal) was on duty.
113. He asked Cal if he could still use the "internet" even though his card had run out.
114. Cal stated, "It never runs out of time. That's what makes it legal to gamble."
115. He stated to Cal, "Oh, that's the scam." Cal stated, "Yeah."
116. He handed Cal twenty-five (25) dollars U.S. currency.
117. Cal swiped the "PLAYER CARD" on the computer at the counter and handed him the card.
118. He swiped the "PLAYER CARD" on one of the devices.
119. The screen indicated, "Sweepstakes 300."
120. He began to play a game on the device called Deuces Wild and over a period of time he reduced the indicated sweepstakes points and winnings to zero.
121. He then left the premises.
122. On February 25, 2011, Investigator Teehan entered the licensed premises in an undercover capacity.
123. The same clerk (Cal) was on duty.
124. He handed Cal twenty-five (25) dollars in U.S. currency.
125. Cal swiped the "PLAYER CARD" on the computer at the counter and handed him the card.
126. He swiped the "PLAYER CARD" on one of the devices.
127. The screen indicated, "Sweepstakes 300."
128. He began to play a game on the device called Deuces Wild.
129. At one point the computer informed the investigator that he had no sweepstakes points available. He was then able to convert winning points to sweepstakes points and continue playing the game. He was able to convert points on several occasions and over a period of time he reduced the indicated sweepstakes points and winnings to zero.
130. He then left the premises.
131. On February 25, 2011, Investigator Paul Capurso entered the licensed premises in an undercover capacity.
132. The same clerk (Cal) was on duty.
133. Investigator Capurso stated to Cal that he wanted to try and win some big money.
134. Investigator Capurso asked Cal if he had any big winners lately, Cal stated that he had a man win sixteen thousand (16,000) dollars a few weeks ago.
135. He also stated the man came in today and spent six hundred (600) dollars playing a machine but did not win anything.
136. Investigator Capurso told him that he wanted to play an internet machine.
137. Cal stated that he would not have enough time as he was getting ready to close due to the weather.
138. Cal stated that Investigator Capurso should play a phone card machine.
139. Investigator Capurso then asked Cal about the man that won the sixteen thousand (16,000) dollars and what machine he played on, Cal stated he won the money playing the phone card machine.
140. Cal explained when the man won the sixteen thousand (16,000) dollars, he paid him six thousand (6000) dollars from the business and had to owe him ten thousand (10,000) dollars.
141. The man had to come back in ten (10) days to get the rest of the money.

142. Cal also stated when the woman who reconciles the machines came with the money; she came with nineteen thousand (19,000) dollars, which included the three thousand (3,000) dollars that the store made from the winning.
143. Cal then walked with Investigator Capurso to the phone card machines.
144. Cal then took the twenty (20) dollars in U.S. currency from Investigator Capurso and placed it into the device.
145. A register type paper with printing on it was supplied from the device which Cal grabbed kept with him.
146. Cal began to play a game which was a slot style game and was showing Investigator Capurso how to play the maximum to win maximum money.
147. Cal stated that the best part of that man winning the sixteen thousand (16,000) dollars was that it was all tax-free.
148. After playing different games for several minutes Investigator Capurso spent his twenty (20) dollars in U.S. currency worth of credits.
149. Cal appeared to be getting ready to close for the night and Investigator Capurso left the premises.
150. On March 2, 2011 at approximately 1:10 p.m., Investigator Teehan entered the licensed premises in an undercover capacity.
151. The same clerk (Cal) was on duty.
152. He handed Cal twenty-five (25) dollars in U.S. currency.
153. Cal swiped the "PLAYER CARD" on the computer at the counter and handed him the card.
154. He swiped the "PLAYER CARD" on one of the devices.
155. The screen indicated, "Sweepstakes 3000."
156. He began to play a game on the device called Deuces Wild and over a period of time he accumulated winnings.
157. The screen indicated, "Sweepstakes 1300" and "Winnings 2600."
158. Investigator Teehan then logged off of the device.
159. He then walked over to the counter and handed the Cal the "PLAYER CARD."
160. Cal swiped the card through the computer at the counter and explained to the investigator that he had won twenty-six (26) dollars.
161. Cal then handed the investigator the twenty (20) dollars in U.S. currency.
162. Investigator Teehan asked why he could not get the entire twenty-six (26) dollars.
163. Cal stated, "if you completely cash out, you lose all your network time."
164. He then left the premises.
165. On March 3, 2011 at approximately 12:15 p.m., Investigator Teehan entered the licensed premises in an undercover capacity.
166. The same clerk (Cal) was on duty.
167. He approached the counter and entered into a discussion with Cal.
168. He asked Cal why he needed internet time to gamble if he has over nineteen thousand (19,000) minutes of internet time on his card.
169. Cal stated, "You don't. That is the joke. You can just gamble."
170. The investigator asked Cal if the people that put the machines in told him that.
171. Cal stated, "I am not supposed to say anything, but I will tell you."
172. Investigator Teehan handed Cal twenty-five (25) dollars in U.S. currency.
173. Cal swiped the "PLAYER CARD" on the computer at the counter and handed him the card.
174. He swiped the "PLAYER CARD" on one of the devices.
175. The screen indicated, "Sweepstakes 4300" and "Winnings 600."

176. He began to play a game on the device called Deuces Wild and over a period of time, he accumulated winnings.
177. The screen indicated, "Sweepstakes 0" and "Winnings 5000."
178. He then logged off of the device.
179. Investigator Teehan then walked over to the counter and handed Cal the "PLAYER CARD" and told him to leave one (1) dollar on the card so that he could use it in the future.
180. Cal swiped the card through the computer at the counter and handed him forty-nine (49) dollars in U.S. currency.
181. He then left the premises.
182. On March 11, 2011 at approximately 12:25 p.m., Investigator Teehan entered the licensed premises in an undercover capacity.
183. He observed two (2) electronic video devices.
184. The devices had lettering indicating "Phone Cards Nu Tell."
185. He sat down in front of a device labeled, "Phone Cards Nu Tell" and placed twenty (20) dollars in U.S. currency into the device.
186. He observed a register type paper with printing on it was then supplied from the device.
187. The printing indicated twenty (20) PIN numbers.
188. He further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
189. He began to play a game on the device called Red Hot Deuces and over a period of time he accumulated winnings.
190. He then pressed the redeem button.
191. This caused the device to provide a receipt type piece of paper that contained printing stating, "Cashout Ticket" and identified a dollar value, "Cash \$10.00."
192. Investigator Teehan then walked over to the counter and handed Cal the receipt.
193. Cal handed him ten (10) dollars in U.S. currency.
194. It appeared to the Investigator that Cal obtained the ten (10) dollars in U.S. currency from the draw of the lottery machine.
195. Investigator Teehan again placed twenty (20) dollars in U.S. currency into the device.
196. He observed a register type paper with printing on it was then supplied from the device.
197. The printing indicated twenty (20) PIN numbers.
198. He further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
199. He again began to play a game on the device called Red Hot Deuces and over a period of time he did not accumulate winnings and the entries were reduced to zero (0).
200. On March 16, 2011 at approximately 7:45 p.m., Investigator Teehan entered the licensed premises in an undercover capacity.
201. He observed two (2) electronic video devices.
202. The devices had lettering indicating, "Phone Cards Nu Tell."
203. He sat down in front of a device labeled, "Phone Cards Nu Tell" and placed twenty (20) dollars in U.S. currency into the device.

204. He observed a register type paper with printing on it was then supplied from the device.
205. The printing indicated twenty (20) PIN numbers.
206. He further observed that, in addition to the register type paper that provided calling card service minutes, the screen indicated that there were eighty (80) "entries" that had been awarded for placing the twenty (20) dollars in U.S. currency into the device.
207. He began to play a game on the device called Red Hot Deuces and over a period of time, he accumulated winnings.
208. Investigator Teehan then pressed the redeem button.
209. This caused the device to provide a receipt type piece of paper that contained printing stating, "Cashout Ticket" and identified a dollar value, "Cash \$25.00."
210. He then walked over to the counter and handed Cal the receipt.
211. Cal handed him twenty-five (25) dollars in U.S. currency.
212. It appeared to the Investigator that Cal obtained the twenty-five (25) dollars in U.S. currency from the draw of the lottery machine.

#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1) (17 counts). Therefore, the Commission **suspends the licensee's license for a period of five (5) days. In addition, the licensee must not possess in or on the licensed premises any automatic amusement device or video poker machine.**

#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro, Chairman

Robert H. Cronin, Commissioner

Dated: August 9, 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  
Michael Teehan, Investigator  
William Cintolo, Esq. via Facsimile  
Administration  
File