

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

March 21, 2012

CORNER PUB LLC DBA CORNER PUB
99 HAPGOOD STREET
ATHOL, MA 01331
LICENSE#: 004800031
HEARD 3/13/2012

After a hearing on March 13, 2012, the Commission finds Corner Pub LLC dba Corner Pub in violation of 204 CMR 2.05 (1), M.G.L. c. 140 §177A (6), 527 CMR 10.13 (2) (d), and 527 CMR 10.13 (2) (e).

The Commission **suspends the licensee's license for a total of two (2) days. The suspension shall commence on Wednesday, May 9, 2012 and terminate on Thursday, May 10, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 9, 2012 at 9:00 A.M. It will be returned to the licensee Friday, May 11, 2012.

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.

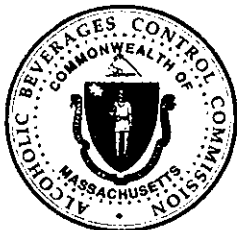
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Administration
File

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The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

CORNER PUB LLC DBA CORNER PUB
99 HAPGOOD STREET
ATHOL, MA 01331
LICENSE#: 004800031
HEARD 3/13/2012

Corner Pub LLC dba Corner Pub (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 13, 2012, regarding alleged violations of 204 CMR 2.05 (1), M.G.L. c. 140 §177A (6), 527 CMR 10.13 (2) (d), and 527 CMR 10.13 (2) (e) which occurred on December 1, 2011 according to Investigator Brad Doyle's Investigative Report.

The following documents and physical items are in evidence:

1. Investigator Doyle's Investigative Report dated December 1, 2011;
2. Petty Cash Slips Reflecting Machine Numbers, and Credits;
3. Copies of Petty Cash Slips;
4. White Envelope marked "940 Payouts Back to Pub"; and
5. Copy of Occupancy Certificate dated November 29, 2011.

There is one (1) audio recording of this hearing.

FACTS

1. On Thursday, December 1, 2011, at approximately 05:45 p. m., Investigators Rose Bailey and Brad Doyle investigated the business operation of Corner Pub LLC dba Corner Pub to determine the manner in which their business was conducted.
2. Investigators were responding to a complaint of gambling on the licensed premises.
3. Investigators observed three (3) electronic video devices upon entering the licensed premises.
4. Investigators identified themselves to the bartender on duty, Ginger, and informed her they would conduct an inspection of the licensed premises.
5. Investigators contacted the owner, Miss Diana Beland, to request that she come to the licensed premises.
6. Miss Beland stated she could be there in approximately twenty (20) minutes.
7. While inspecting the bar area, investigators observed a metal cash box that contained approximately five hundred dollars (\$500.00) in United States currency.

8. Investigators also observed in the box a "petty cash" slip stating 12/1/11, #3, \$20.00.
9. Miss Beland arrived at the licensed premises at approximately 6:30 p. m.
10. Investigators informed Miss Beland of the complaint received concerning gambling on the licensed premises.
11. Investigators followed Miss Beland into an office near the kitchen.
12. Miss Beland opened a safe in the office.
13. Investigators observed a box from the safe contained approximately two thousand dollars (\$2000.00) in United States currency.
14. Investigators retrieved several additional "petty cash" slips from a trash barrel in the office.
15. Investigators also retrieved a white envelope with writing on it stating "940 payouts back to pub".
16. Miss Beland stated the bar did "pay out" on the machines.
17. Miss Beland stated the bartender on duty would record the credits won after being notified by an individual.
18. Miss Beland stated the bartender would then reset the machine credits to zero through a knock off mechanism.
19. Miss Beland stated that individuals were given cash for credits earned by the bartender on duty from the metal box near the cash register.
20. Miss Beland stated two of the devices were owned by Montachusett Vending.
21. Miss Beland stated someone from Montachusett Vending came to the licensed premises every Thursday to collect the cash from the machines, and split the profits with the club in a sixty/forty split.
22. Miss Beland stated she owned the other device, machine no. 1, and received all the profits from it.
23. Miss Beland provided investigators with the key to open machine no. 1.
24. Miss Beland stated that she did not have a key to the two devices owned by Montachusett Vending.
25. Investigators inspected the electronic video devices (two - Video Poker, one - Fruit Bonus); and based on their training and experience, determined the machines were being used as gambling devices.
26. In machine no. 1, investigators observed that it had:
 - a. Accepted dollar bills ranging from \$1, \$5, \$10 and \$20;
 - b. Electronic dip switches to set the odds;
 - c. Back-up battery in place;
 - d. A knock off button;
 - e. One hundred and three dollars (\$103.00) in United States currency in the bill acceptor;
 - f. Meters inside the unit to record credits in: 754065 and credits out: 335426;
27. Investigators placed one dollar (\$1.00) in the machine and received four (4) credits.
28. The machine registered a one (1) credit bet when investigators pressed the play button, but did not earn any credits.
29. After placing a coin on two bolts on the front of the machine, the credits remaining reset from three (3) to zero (0).
30. Investigators observed the meters inside machine no. 1 then recorded credits in: 754069 and credits out: 335429.
31. Investigators asked Miss Beland how many crowd managers there were for the licensed premises.
32. Miss Beland stated there were two (2) crowd managers, including herself.

33. Investigators asked to see Miss Beland's crowd manager certificate.
34. Miss Beland stated she kept her crowd manager certificate at home.
35. Investigators observed there was no crowd manager scheduled to be on premises for December 3, 2011.
36. Investigators asked to review the fire and building safety checklists for the last sixty (60) days.
37. Miss Beland stated she did not have the fire and building safety checklists.
38. Miss Beland stated she did not realize that law would be strictly enforced.
39. Investigators informed Miss Beland of the violations, and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1), M.G.L. c. 140 §177A (6), 527 CMR 10.13 (2) (d), and 527 CMR 10.13 (2) (e). Therefore, the Commission **suspends the license for nine (9) days of which two (2) days will be served and seven (7) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.** In addition, the licensee must not possess in or on the licensed premises any automatic amusement device or video poker machine.

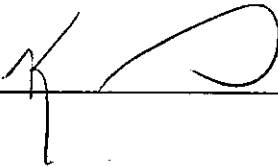
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated: March 21, 2012

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
Administration
File