

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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

April 6, 2016

ITALIAN COMMUNITY CLUB INC.
296 RANTOUL STREET
BEVERLY, MA 01915
LICENSE#: 010000032
VIOLATION DATE: 11/30/2015
HEARD: 3/1/2016

After a hearing on March 1, 2016, the Commission finds Italian Community Club Inc. violated:

- 1) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 23K, § 37(a) Whoever conducts or operates, or permits to be conducted or operated, any game or gaming device in violation of this chapter or the regulations adopted under this chapter;
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 271, § 17 Whoever keeps a building or room, or any part thereof, or occupies, or is found in, any place, way, public or private, park or parkway, or any open space, public or private, or any portion thereof, with apparatus, books or any device for registering bets, or buying or selling pools; and
- 3) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit; M.G.L. c. 140, §177A No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

The Commission **suspends the license for twenty (20) days of which ten (10) days will be served and ten (10) 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 devices or video poker machines.

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The suspension shall commence on Wednesday, June 1, 2016, and terminate on Friday, June 10, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 1, 2016 at 9:00 A.M. It will be returned to the Licensee Saturday, June 11, 2016.

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, which must be signed by the Licensee and 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

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Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Dennis Keefe, Investigator
Thomas J. Alexander Esq. via fax: 978-921-4553
Administration
File



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

Deborah B. Goldberg
Treasurer and Receiver General

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DECISION

ITALIAN COMMUNITY CLUB INC.
296 RANTOUL STREET
BEVERLY, MA 01915
LICENSE#: 010000032
VIOLATION DATE: 11/30/2015
HEARD: 3/1/2016

Italian Community Club Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 1, 2016, regarding alleged violations of:

- 1) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 23K, § 37(a) Whoever conducts or operates, or permits to be conducted or operated, any game or gaming device in violation of this chapter or the regulations adopted under this chapter;
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 271, § 17 Whoever keeps a building or room, or any part thereof, or occupies, or is found in, any place, way, public or private, park or parkway, or any open space, public or private, or any portion thereof, with apparatus, books or any device for registering bets, or buying or selling pools; and
- 3) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 140, §177A No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

The following documents are in evidence:

1. Investigator Temple's Report dated January 7, 2016;
 - 1A. Licensee's Stipulation of Facts;
2. Photograph of Machine 1;
3. Photograph of Machine 1 Data;

4. Photograph of Machine 2;
5. Photograph of Machine 2 Meters;
6. Photograph of Machine 3;
7. Photograph of Machine 3 Meters;
8. Photograph of Machine 3 Data 1;
9. Photograph of Machine 3 Data 2;
10. Photograph of Machine 4;
11. Photograph of Inside Machine 4;
12. Photograph of Machine 4 Meters;
13. Photograph of Machine 4 Data;
14. Photograph of Machine 5;
15. Photograph of Inside Machine 5;
16. Photograph of Machine 5 Meters;
17. Photograph of Machine 6;
18. Photograph of Inside Machine 6;
19. Photograph of Machine 6 Data 1;
20. Photograph of Machine 6 Data 2;
21. Photograph of Machine 7;
22. Photograph of Machine 7 Meters;
23. Photograph of Machine 7 Data;
24. Photograph of Machine 8;
25. Photograph of Machine 8 Meters;
26. Photograph of Machine 8 Data;
27. Photograph of Printed Receipts;
28. Photograph of Documents from Metal Box; and
29. Photograph of Metal Box and U.S. Currency.

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

The Commission took administrative notice of the Licensee's file.

FACTS

1. On Monday, November 30, 2015, Investigators Temple, Keefe, and Chief Investigator Mahony ("Investigators") along with members of the Massachusetts State Police ("MSP") conducted an investigation of the business operation of Italian Community Club Inc. to determine the manner in which the business was being conducted.
2. Investigators and MSP entered the licensed premises and observed eight electronic video devices within the premises that based on the Investigator's training and experience indicated that the devices were being utilized as illegal gambling machines.
3. The first device, herein referred to as Machine 1, contained markings on the front surface indicating Night Castle. This device was fitted with a currency acceptor with markings indicating that it accepts US currency notes in denominations of \$1, \$5, \$10, \$20.
4. Machine 1 was equipped with a button labeled "Press for ticket," that Investigators know through their training and experience to be a knock off switch used to reset credits

accumulated on the device to zero and print out a ticket indicating points earned. Machine 1 was also equipped with a button labeled "double," which is used to double a wager.

5. Investigator Keefe placed \$1.00 in US Currency into Machine 1 and 100 credits (.01 per credit) appeared on the screen. Investigator Keefe selected 50 credits (the amount he wanted to bet). Machine 1 "registered" the bet by displaying the number of credits Investigator Keefe had selected and indicated the number of credits remaining was 50. The play button was pressed and the device indicated a loss.
6. Investigator Keefe then reset Machine 1 by pressing the "Press for ticket" knock off switch. The credits reset to zero and a ticket printed out indicating 50 points.
7. The second device, herein referred to as Machine 2, contained markings on the front screen indicating Astro. Machine 2 was fitted with a currency acceptor with markings indicating that it accepts US currency notes in denominations of \$1, \$5, \$10, and \$20.
8. Machine 2 was equipped with a button labeled "Press for ticket," that Investigators know through their training and experience to be a knock off switch used to reset credits accumulated on the device to zero and print out a ticket indicating points earned. Machine 2 was also equipped with a button labeled "double," which is used to double a wager.
9. Investigator Keefe placed \$1.00 in US Currency into Machine 2 and 20 credits (.05 per credit) appeared on the screen. Investigator Keefe selected 2 credits (the amount he wanted to bet). Machine 2 "registered" the bet by displaying the number of credits he had selected and indicated that the credits remaining were 18. The play button was pressed and the device indicated a loss.
10. Investigator Keefe selected 3 credits (the amount he wanted to bet). Machine 2 "registered" the bet by displaying the number of credits he had selected. The play button was pressed and the device indicated a loss. Investigator Keefe then reset Machine 2 by pressing the "Press for ticket" knock off switch. The credits reset to zero and a ticket printed out indicating 15 credits.
11. The third device, herein referred to as Machine 3, contained markings on the front surface indicating Encouraging Higher Play 25 Liner. This device was fitted with a currency acceptor with markings indicating that it accepts US currency notes in denominations of \$1, \$5, \$10, \$20.
12. Machine 3 was equipped with a button labeled "Game Over," that Investigators know through their training and experience to be a knock off switch used to reset credits accumulated on the device to zero and print out a ticket indicating points earned. Machine 3 was also equipped with a button labeled "double," which is used to double a wager.
13. Machine 3 contained markings indicating "for amusement only," which Investigators know is a common method used to mask gambling devices.
14. Investigator Keefe placed \$1.00 in US Currency into Machine 3 and 100 credits (.01 per credit) appeared on the screen. Investigator Keefe selected 25 credits (the amount he wanted to bet). Machine 3 "registered" the bet by displaying the number of credits he had selected and the number of remaining credits to be 75. The play button was pressed, and the device indicated a win that doubled the credits in play. Investigator Keefe pressed the double up option to double up the credits wagered. This generated a new screen with five cards showing and five cards hidden. The objective of this game was to guess if the hidden cards were

- higher or lower than the card shown above it. Investigator Keefe pressed the higher button to reveal the first card which indicated a lower card and a loss.
15. Investigator Keefe then reset Device #3 by pressing the "Game Over" knock off switch. The credits reset to zero and a ticket printed out indicating 75 points.
 16. The fourth device, herein referred to as Machine 4, contained markings on the front surface indicating New Fruit Bonus 96. This device was fitted with a currency acceptor with markings indicating that it accepts US currency notes in denominations of \$1, \$5, \$10, \$20.
 17. Machine 4 was equipped with a button labeled "Press for ticket," that Investigators know through their training and experience to be a knock off switch used to reset credits accumulated on the device to zero and print out a ticket indicating points earned. Machine 4 was also equipped with a button labeled "double," which is used to double a wager.
 18. Investigator Keefe placed \$1.00 in US Currency into Machine 4 and 10 credits (.1 per credit) appeared on the screen. Investigator Keefe selected 2 credits (the amount he wanted to bet). Machine 4 "registered" the bet by displaying the number of credits he had selected and the number of credit remaining. The play button was pressed and the device indicated a win that doubled the credits in play.
 19. Investigator Keefe pressed the double up option to double up the credits wagered. This generated a new screen with five cards showing and five cards hidden. The objective of this game was to guess if the hidden cards were higher or lower than the card shown above it. Investigator Keefe pressed the higher button to reveal the first card which indicated a higher card and a win.
 20. Investigator Keefe then reset Machine 4 by pressing the "Press for ticket" knock off button. The credits reset to zero and a ticket printed out indicating 12 points. A ticking sound was heard from inside the machine which from the Investigators training and experience indicates the out meter registering the number of credits out.
 21. The fifth device, herein referred to as Machine 5 contained markings on the front screen indicating Skill Cherry 97. This device was fitted with a currency acceptor with markings indicating that it accepts US currency notes in denominations of \$1, \$5, \$10, \$20.
 22. Machine 5 was equipped with a button labeled "Press for ticket," that Investigators know through their training and experience to be a knock off switch used to reset credits accumulated on the device to zero and print out a ticket indicating points earned. Machine 5 was also equipped with a button labeled "double," which is used to double a wager.
 23. Machine 5 contained markings indicating "for amusement only," which is a common method used to mask gambling devices.
 24. The sixth device, herein referred to as Machine 6, contained markings on the front screen indicating Collect bonus 5000. Machine 6 was fitted with a currency acceptor with markings indicating that it accepts US currency notes in denominations of \$1, \$2, \$5, \$10, and \$20.
 25. Machine 6 was equipped with a button labeled "Print ticket," that Investigators know through their training and experience to be a knock off switch used to reset credits accumulated on the device to zero and print out a ticket indicating points earned.
 26. Machine 6 was also equipped with a button labeled "double," which is used to double a wager.

27. Investigator Keefe placed \$1.00 in US Currency into Machine 6 and 10 credits (.1 per credit) appeared on the screen. Investigator Keefe selected 8 credits (the amount he wanted to bet). Machine 6 "registered" the bet by displaying the number of credits he had selected and the number of credits remaining. The play button was pressed, and the device indicated a win.
28. Investigator Keefe pressed the double up option to double up the credits wagered. This generated a new screen with five cards showing and five cards hidden. The objective of this game was to guess if the hidden cards were higher or lower than the card shown above it. Investigator Keefe pressed the lower button to reveal the first card which indicated a higher card and a loss.
29. Investigator Keefe then reset Machine 6 by pressing the "Print ticket" knock off switch. The credits reset to zero and a ticket printed out indicating 2 points.
30. The seventh device, herein referred to as Machine 7, contained markings on the front surface indicating Bonus Game. This device was fitted with a currency acceptor with markings indicating that it accepts US currency notes in denominations of \$1, \$5, \$10, \$20.
31. Machine 7 was equipped with a button labeled "End Game," that Investigators know through their training and experience to be a knock off switch used to reset credits accumulated on the device to zero and print out a ticket indicating points earned. Machine 7 was equipped with a button labeled "double," which is used to double a wager.
32. Machine 7 also contained markings indicating "for amusement only," which is a common method used to mask gambling devices.
33. Investigator Keefe placed \$1.00 in US Currency into Machine 7 and 100 credits (.01 per credit) appeared on the screen. Investigator Keefe selected 25 credits (the amount he wanted to bet). Machine 7 "registered" the bet by displaying the number of credits he had selected and the number of credits remaining. The play button was pressed and the device indicated a loss.
34. Investigator Keefe then reset Machine 7 by pressing the "End Game" knock off switch. The credits reset to zero and a ticket printed out indicating 75 points.
35. The Eighth device, herein referred to as Machine 8, contained markings on the front screen indicating Platinum Touch II. Machine 8 was fitted with a currency acceptor with markings indicating that it accepts US currency notes in denominations of \$1, \$2, \$5, \$10, and \$20.
36. Investigator Keefe placed \$1.00 in US Currency into Machine 8, and 1.00 Bank appeared on the screen. Investigator Keefe selected .10 (the amount he wanted to bet). Machine 8 "registered" the bet by displaying the number of credits he had selected. The play button was pressed and the device indicated a loss.
37. Investigator Keefe then reset Machine 8 by pressing the redeem button located on the screen. The credits reset to zero and a ticket printed out.
38. Chief Investigator Mahony and Massachusetts State Police Trooper Christopher St. Ives entered the office area of the premises where they observed numerous items that would indicate that illegal gambling was being conducted on the premises.
39. On top of a safe were numerous sheets of 8.5" x 11" white paper that contained markings for indicating the dates and times as well as currency deposited in the devices and currency paid out on the devices.
40. Beside the safe was an electronic paper shredder.

41. Upon request, Club officer Theodore Refuse unlocked and opened a drawer in his office desk which was located next to the safe and the shredder.
42. Mr. Refuse then removed a locked metal box and opened the safe where he obtained a key to open the metal box. Inside the metal box, this Investigator observed numerous payout slips similar to those that had been printed from the electronic video devices after utilizing the device's knock off switch.
43. Observed inside the metal box were reconciliation sheets, similar to the blank sheets observed on top of the safe, which had been utilized to document daily revenue and payouts on the devices. Also in the box were several denominations of US Currency.
44. Investigator Temple and Massachusetts State Police Trooper Christopher St. Ives interviewed Robert Peroni.
45. Mr. Peroni stated that he was on the board of directors of the club. Mr. Peroni further stated that the electronic video devices were owned by Four Star (Four Star Vending Inc.) and that the net profit from the devices, after the payout for winnings, is split between ICC 65% and Four Star 35%.
46. Mr. Peroni indicated that the clubs portion of the profit is placed in the top safe and then deposited in to the scholarship fund bank account.
47. Mr. Peroni stated that the electronic gambling devices make a profit of \$3,000 a week for the club after the split with Four Star. Mr. Peroni also stated that there was currently \$39,000 from the electronic video devices in the scholarship fund.
48. Mr. Peroni further stated that the electronic gaming devices kick out a blue receipt which the player would bring to Mr. Refuse, also known as "Fish," who would pay the player directly from safe. Mr. Peroni further stated that Mr. Refuse is paid \$200 a week. \$100 from ICC and \$100 from Four Star.
49. Investigator Temple and Trooper St. Ives interviewed Theo "Fish" Refuse regarding illegal gambling on the licensed premises.
50. Mr. Refuse stated that he pays out the winnings on the electronic video devices. Mr. Refuse further stated that his responsibilities were to take the cash out of the electronic video devices, to record cash, clean out the devices, and to create a log that records revenue and payouts. Mr. Refuse stated that this record is signed by both himself and Jimmy from Four Star.
51. Mr. Refuse stated that Jimmy from Four Star would come to the premises and do the math to figure out the monies that were deposited into the electronic video devices and the monies paid out for winnings from the devices and then take his cut.
52. Mr. Refuse indicated that the slips received from players, indicating how many points they won are destroyed.
53. Investigator Temple and Trooper St. Ives interviewed Victor Capozzi regarding illegal gambling on the licensed premises.
54. Mr. Capozzi informed Investigator Temple that he was the membership officer and held a board position and that he votes on expenses.
55. Mr. Capozzi stated that the electronic video devices are utilized as gambling devices and that the money goes to the scholarship checking account.
56. Mr. Capozzi stated that he does not have access to the accounts as John Bianchi, Billy (Crisafi), and Joanie Elizabeth (Cunha) are the only signatories on the bank account.
57. Upon further questioning of where the money goes, Mr. Capozzi stated that \$18,000 went into plowing the snow in the parking lot last year.

58. Mr. Capozzi later revealed that both he and other members received that \$18,000 for plowing the snow.
59. Investigator Temple and Trooper St. Ives interviewed William Crisafi.
60. Mr. Crisafi informed Investigator Temple that he was the Treasurer and it was his 3rd term. Mr. Crisafi indicated that he has been there for 4 ½ - 5 years.
61. Mr. Crisafi stated that he has nothing to do with the beer or hall. Mr. Crisafi did inform this Investigator that he was aware that the bar makes about \$50,000 a month.
62. When asked about the electronic gambling device, Mr. Crisafi stated that he was aware of the cut between Four Star and the ICC which he stated was 65% to 35%.
63. Mr. Crisafi also indicated that the winnings go to the scholarship fund, and any leftover goes to maintenance of the premises.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

- 1) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 23K, § 37(a) Whoever conducts or operates, or permits to be conducted or operated, any game or gaming device in violation of this chapter or the regulations adopted under this chapter;
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 271, § 17 Whoever keeps a building or room, or any part thereof, or occupies, or is found in, any place, way, public or private, park or parkway, or any open space, public or private, or any portion thereof, with apparatus, books or any device for registering bets, or buying or selling pools; and
- 3) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises to wit: M.G.L. c. 140, §177A No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

On the first violation, 204 CMR 2.05 (2) to wit: M.G.L. c. 23K, § 37(a), the Commission **suspends the license for twenty (20) days of which ten (10) days will be served and ten (10) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

On the second violation, 204 CMR 2.05 (2) to wit: M.G.L. c. 271, § 17, the Commission **suspends the license for twenty (20) days of which ten (10) days will be served and ten (10) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. The suspension shall be served concurrently with the one above.**

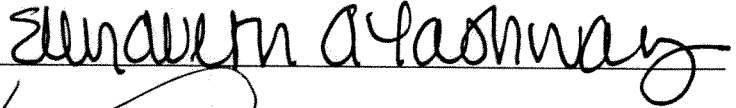
On the third violation, 204 CMR 2.05 (2) to wit: M.G.L. c. 140, §177A, the Commission **suspends the license for twenty (20) days of which ten (10) days will be served and ten (10) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. The suspension shall be served concurrently with those above.**

The Licensee will serve a total of ten (10) days.


In addition, the Licensee must not possess in or on the licensed premises any automatic amusement devices or video poker machines.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner



Kim S. Gainsboro, Chairman



Dated: April 6, 2016

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.

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