



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

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

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

NOTICE OF SUSPENSION

September 22, 2015

**BUZZARDS BAY AERIE #3741, FRATERNAL ORDER OF EAGLES INC.**  
**DBA BUZZARDS BAY EAGLES**  
**39 COHASSET AVE., BUZZARDS BAY**  
**BOURNE, MA 02532**  
**LICENSE#: 011800012**  
**VIOLATION DATE: 06/25/2015**  
**HEARD: 09/22/2015**

After a hearing on September 22, 2015, the Commission finds Buzzards Bay Aerie #3741, Fraternal Order of Eagles Inc. dba Buzzards Bay Eagles violated 204 CMR 2.05 (1): Permitting Gambling.

The Commission suspends the Licensee's license for a total of two (2) days to be served with the balance of three (3) days suspended for 2 years. The suspension shall commence on Wednesday, November 4, 2015 and terminate on Thursday, November 5, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 4, 2015 at 9:00 A.M. It will be returned to the Licensee Friday, November 6, 2015.

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 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

3366 7653 (BX 355) 3366 7578

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这份文件是重要的，应立即进行翻译**

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
Joseph Di Cicco, Investigator  
Administration  
File



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**DECISION**

**BUZZARDS BAY AERIE #3741, FRATERNAL ORDER OF EAGLES INC.  
DBA BUZZARDS BAY EAGLES  
39 COHASSET AVE., BUZZARDS BAY  
BOURNE, MA 02532  
LICENSE#: 011800012  
VIOLATION DATE: 06/25/2015  
HEARD: 09/22/2015**

Buzzards Bay Aerie #3741, Fraternal Order of Eagles Inc. dba Buzzards Bay Eagles (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, September 22, 2015, regarding an alleged violation of 204 CMR 2.05 (1): Permitting Gambling. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report dated July 14, 2015;
2. Licensee's Stipulation of Facts;
3. Photocopy of Ledger; and
4. Photograph of Video Gaming Machine.

The Commission took Administrative Notice of the Licensee's Commission files.

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

**FACTS**

1. On Thursday, June 25, 2015, at approximately 5:15 p.m., Investigators DiCicco and Teehan (the "Investigators") investigated the business operation of Buzzards Bay Aerie #3741, Fraternal Order of Eagles Inc. dba Buzzards Bay Eagles to determine the manner in which their business was being conducted.
2. Investigators entered the bar and identified themselves to the bartender on duty, Pam, and informed her of the inspection.

3. Investigators observed an electronic video device, New Fruit Bonus 96, located in the function room away from the bar area.
4. At this point Pam called several board members by phone: David Coulombe, President; Jim McCormack, Secretary, and Ronny Chapman, Trustee. A short time later, Mr. McCormack and Mr. Chapman arrived on the licensed premises. (Mr. Coulombe was unavailable at this time.)
5. Investigators interviewed the board members, McCormack and Chapman, who stated that the club pays out U.S. currency to individuals who win on the electronic video device.
6. Mr. Chapman also stated that the device had only been on the licensed premises for a little over a month, and there has been only one payout.
7. Mr. Chapman further stated that Mr. Coulombe keeps the records for the machine.
8. Investigators made the following observations, which based on their training and experience, indicated the electronic device was being used as gambling device:
  - The device accepted dollar bills ranging from \$1, \$5, \$10, and \$20.
  - After inserting US currency into the device, an investigator selected the number of credits (the amount to bet). The device "registered" the bet by displaying the number of credits selected.
  - The device had the capability to double up the bet by selecting a double-up button.
  - The device had a "knock off" mechanism in the form of a ticket button on the front console which when pressed, reset the winning credits to zero.
9. Investigators informed Mr. McCormack and Mr. Chapman of the violation and that a report would be submitted to the Chief Investigator for further action.
10. On June 30, 2015, Investigator Teehan spoke by telephone to David Coulombe.
11. Mr. Coulombe stated that the club does pay out U.S. currency to individuals who win on the electronic video device. He provided via email a white piece of paper with notations indicating the date, winner, and payout amount, along with the payout balance of \$360.00.
12. Mr. Coulombe stated that TNA Amusement is the vendor of the electronic video device, and the split is 60% of the net revenue for the club and 40% net revenue for TNA Amusement.

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (1): Permitting Gambling. Therefore, the Commission **suspends the license for five (5) days of which two (2) days will be served and three (3) 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.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner

*Kathleen McNally*

Elizabeth A. Lashway, Commissioner

*Elizabeth A. Lashway*

Dated: September 22, 2015

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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