



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

April 15, 2014

POLISH SOCIETY OF FRATERNAL DBA AID OF OUR LADY OF OSTRABRAMA
REAR 127 SPRING ST
BRIDGEWATER, MA 02324
LICENSE#: 013600018
VIOLATION DATE: 11/27/2013
HEARD: 04/15/2014

After a hearing on April 15, 2014, the Commission finds Polish Society Of Fraternal dba Aid Of Our Lady Of Ostrabrama in violation of 204 CMR 2.05 (1): Permitting Gambling.

The Commission **suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, June 4, 2014, and terminate on Thursday, June 5, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 4, 2014 at 9:00 A.M. It will be returned to the licensee Friday, June 6, 2014.

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.

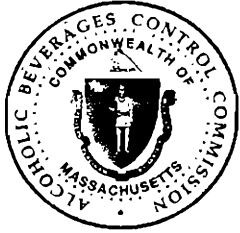
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
Mark Kenny, Investigator
Administration
File

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DECISION

POLISH SOCIETY OF FRATERNAL DBA AID OF OUR LADY OF OSTRABRAMA
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BRIDGEWATER, MA 02324
LICENSE#: 013600018
VIOLATION DATE: 11/27/2013
HEARD: 04/15/2014

Polish Society Of Fraternal dba Aid Of Our Lady Of Ostrabrama (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, April 15, 2014, 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. Licensee's Stipulation of Facts;
2. Investigator Teehan's Violation Report dated November 27, 2013;
3. Football Squares for Friday Pool;
4. Photo Showing \$20.00 Bill with Friday Pool Slip for R. Robak; and
5. Photo Showing \$20.00 Bill with Friday Pool Slip for Goody.

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

FACTS

1. On Wednesday, November 27, 2013, at approximately 3:15 p. m., Investigators Kenny and Teehan conducted an investigation of the business operation of Polish Society of Fraternal dba Aid of Our Lady of Ostrabrama, to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed five electronic video devices behind the bar, next to the kitchen area.
3. Investigators identified themselves to the bartender on duty, Diana Lacerda, and proceeded to inspect the premises.
4. Investigators observed several white envelopes with U.S. Currency in a drawer beneath the bar. They noted that the envelopes contained a small piece of paper marked "Friday Pool" with a number, name, amount, and month marked on it.

5. Investigators also observed a small locked cash box, and papers marked as a football square and a monthly pool hanging on the wall.
6. In the course of their investigation, Ms. Lacerda was uncooperative and refused to answer any questions regarding the Friday Pool.
7. Ms. Lacerda stated that she did not have a key to the locked cash box. She called the manager and the comptroller of the club.
8. The comptroller of the club, James Ritz, arrived on the premises and opened the locked cash box.
9. Investigators observed U.S. Currency in the cash box, in the amount of \$997.00.
10. Mr. Ritz stated that the U.S. Currency is used to pay out winner in the football square pool (at \$2.00 per square), the monthly pool (at \$5.00 per number with the winning number being picked at the end of the month), and a Queen of Hearts game.
11. Investigators observed five electronic video devices. The electronic video devices were located in a room which was not in plain view of the bartender, and the main entrance was through the kitchen.
12. Investigators made the following observations, which based on their training and experience, indicate that these electronic devices were being utilized as gambling devices:
 - Each device had markings that indicated “for amusement only”;
 - An investigator inserted the required amount of money into the device and selected the number of credits (the amount to bet). The device “registered” the bet by displaying the number of credits selected;
 - All devices accepted U.S. Currency in dollar bills ranging from \$1, 5, 10, 20, 50, and 100;
 - Each device had the capability to double the bet by selecting the double up button; and
 - Each device had a “knock off” mechanism in the form a push button on the back of the machine, or a ticket button on the front console which reset the winning credits to zero.
13. Investigators informed Mr. Ritz of the violation and that a report would be filed with the Chief Investigator for review.

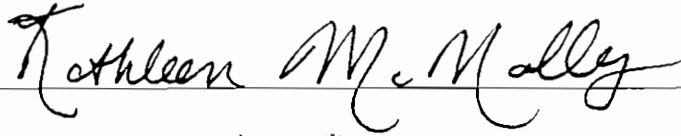
CONCLUSION

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 device or video poker machine.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner

Handwritten signature of Kathleen McNally in black ink, written over a horizontal line.

Susan Corcoran, Commissioner

Handwritten signature of Susan Corcoran in black ink, written over a horizontal line.

Dated: April 15, 2014

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
Mark Kenny, Investigator
Administration
File