



*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 23, 2011

**Polish White Eagle Club of Montello, Inc.**  
**40 Emerson Ave.**  
**Brockton, MA 02301**  
**License #: 014400020**  
**Heard: July 12, 2011**

After a hearing on July 12, 2011, the Commission finds Polish White Eagle Club of Montello, Inc. in violation of 204 CMR 2.05 (1) (1 count) 204 CMR 2.05 (2) (1 count).

The Commission **suspends the licensee's license for a total of fifteen (15) days to be served.** The suspension shall commence on **Wednesday, October 19, 2011** and terminate on **Wednesday, November 2, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 19, 2011 at 9:00 A.M. It will be returned to the licensee Thursday, November 3, 2011.

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  
Administration  
File



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**DECISION**

**Polish White Eagle Club of Montello, Inc.**  
**40 Emerson Ave.**  
**Brockton, MA 02301**  
**License #: 014400020**  
**Heard: July 12, 2011**

Polish White Eagle Club of Montello, Inc. (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. 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) and 204 CMR 2.05 (2). 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. The Licensee's Stipulation of Facts;
2. Investigator Michael Teehan's Report dated April 20, 2011;
3. Copy of Receipts from Machines; and
4. Copy of Credit Vouchers.

There is one (1) tape of this hearing.

**FACTS**

1. On April 15, 2011 at approximately 8:15p.m., Commission Investigators entered the Polish White Eagle Club of Montello, Inc. in a response to a complaint filed with the Investigation and Enforcement Division.
2. Upon entering the premises the Investigators observed eight (8) automatic amusement devices in the bar area.
3. The investigators made observations that based on their training and experience indicated the devices were being utilized for gambling devices.
4. Each machine had markings that indicated "For Amusement Only".
5. The machines accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20).
6. When inserting U.S. currency into the machine, a player selects the number of credits (the amount he wants to bet).
7. The machine "registered the bet by displaying the number of credits he had selected.

8. The club manager told the investigators the licensee paid off at the rate of ten (10) cents per point and at the end of the month if the winning receipts total five hundred (500) points or more you can win a gift card.
9. Administrative review of the file indicates the licensee had the same violation in 2009.
10. Administrative review of the file indicates the licensee received a five (5) day suspension along with permanent removal of the machines on July 14, 2009.

#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1) and 204 CMR 2.05 (2). Therefore, the Commission **suspends the license for fifteen (15) days to serve. In addition, the licensee must not possess in or on the licensed premises any automatic amusement device or video poker machine. No fine in lieu of suspension will be accepted for this fifteen (15) day suspension. The Commission further warns that if the licensee fails to remove the machines the Commission will consider an indefinite suspension or revocation of the licensee's license.**

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

Robert H. Cronin, Commissioner

Kim S. Gainsboro, Chairman

Dated: August 23, 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  
Administration  
File