

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

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

August 5, 2011

DUXBURY VETERANS CLUB, INC.
WEST & TREMONT ST
DUXBURY, MA 02332
LICENSE#: 030000007
HEARD: 7/12/2011

After a hearing on July 12, 2011, the Commission finds Duxbury Veterans Club, Inc. in violation of 204 CMR 2.05(1).

The Commission **suspends the licensee's license for a total of two (2) days to be served**. The suspension shall commence on **Wednesday, September 28, 2011 and terminate on Friday, September 30, 2011**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 28, 2011 at 9:00 A.M. It will be returned to the licensee Saturday, October 1, 2011.

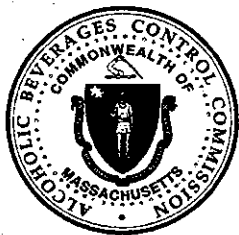
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

DUXBURY VETERANS CLUB, INC.
WEST & TREMONT ST
DUXBURY, MA 02332
LICENSE#: 030000007
HEARD: 7/12/2011

Duxbury Veterans Club, 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). 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. Licensee's Stipulation of Facts; and
2. Investigator Michael Teehan's Report.

There is one (1) tape of this hearing.

FACTS

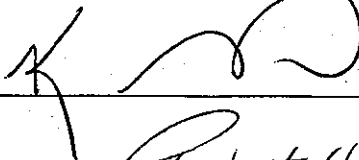
1. On Friday, April 8, 2011 at approximately 1:50 p.m., Investigators Carey and Teehan investigated the business operation of the Duxbury Veterans Club, Inc.
2. Upon entering the bar, Investigators observed two (2) automatic amusement devices at the bar area.
3. They identified themselves to the bartender on duty, later identified as Arthur Toto.
4. Mr. Toto stated to Investigators that the club does payoff for winnings on the electronic video devices.
5. Investigators inspected the bar area and observed two (2) cash registers right next to each other.
6. Mr. Toto stated that one (1) cash register is for alcohol sales and the other is for payouts on the gambling devices.
7. The cash register for payouts displayed paid and sales and the registered receipts would record what the club received and what they paid out.
8. Investigators informed Mr. Toto that a report would be filed with the Commission charging the licensee with permitting gambling on the licensed premises.

CONCLUSION

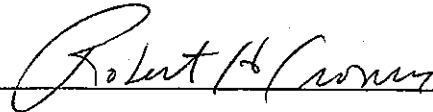
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05(1). The Commission **suspends the license for five (5) days of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission 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

Kim S. Gainsboro, Chairman



Robert H. Cronin, Commissioner



Dated: August 5, 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
Robert Gavin, Esq. via Facsimile
File