

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**PASCOMMUCK CLUB INC.
44 UNION STREET
EASTHAMPTON, MA 01027
LICENSE# 0366-00019
VIOLATION DATE: 3/30/2018
HEARD: 5/22/2018**

Pascommuck 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, May 22, 2018, regarding an alleged violation of 204 CMR 2.05 (1) Permitting Gambling. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report; and
2. Licensee's Stipulation of Facts.

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

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

FINDINGS OF FACT

1. On Friday, March 30, 2018, at approximately 6:30 p.m., Investigators Keefe and Temple ("Investigators"), conducted an investigation of the business operation of Pascommuck Club Inc. to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed one (1) electronic video device, labeled New Fruit Bonus 96, located across from the bar.
3. Investigators observed that the electronic video device had the following characteristics which, based on their training and experience, indicated the device was being used for illegal gambling:
 - Device accepted U.S. Currency in bills ranging from \$1, \$5, \$10 and \$20;
 - Device had the capability to select the number of points (the amount to bet);
 - Device registered the bet by displaying the number of points selected;

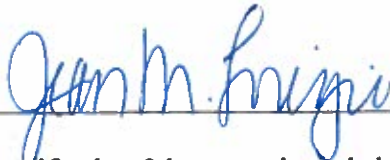
- Device had the capability to double up the bet by selecting a double-up button;
 - Device had a “knock off” button in the form of a push button at the back of the device, which, when pressed, reset the credits earned to zero.
4. Investigators found a 7” x 5” yellow sheet with five columns, and asked the bartender on duty, Jeremy Kuenzel, to explain what the sheet indicated. Mr. Keuenzel, who is a Vice-President of the club, stated that the first column indicated the date; second column indicated credits won on the device; third column, amount paid on the credits won; fourth column, name of individual who won; and fifth column, initials of person who paid out the winnings.
 5. Mr. Kuenzel placed \$1.00 in U.S. currency into electronic gambling device which registered four credits. Keuenzel selected four credits (the amount he wanted to bet) then pressed the play button, and the device indicated a loss.
 6. Mr. Kuenzel informed Investigators that when someone wanted to cash out, the bartender would confirm the credits and then press the push button to reset the credits to zero.
 7. Investigators informed Mr. Kuenzel and the other board members of the violation and that a report would be filed with the Chief Investigator for further review.
 8. Administrative review of the Licensee’s file indicates Pascommuck Club Inc. has held its license more than 100 years (since 1909) and has had no prior violations.

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 which 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, any automatic amusement devices or video poker machines which the Licensee possesses shall not be used for gaming purposes.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner



Dated: June 26, 2018

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Dennis Keefe, Investigator
Timothy O'Leary, Esq. via facsimile 413-527-5726
Administration, File