



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

DECISION

**SOUTH END NATIONAL CLUB INC.
13 MARKET STREET
FITCHBURG, MA 01420
LICENSE#: 0394-00028
VIOLATION DATE: 5/19/2016
HEARD: 11/07/2017**

South End National 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, November 7, 2017, regarding an alleged violation of 204 CMR 2.05 (1) – Permitting Gambling on Licensed Premises. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Kujawski's Report.

The following exhibits are in evidence:

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

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 Thursday, May 19, 2016¹, at approximately 2:00 p.m., Investigators Keefe and Kujawski ("Investigators") investigated South End National Club Inc. to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and identified themselves to the bartender on duty, Gary Frechette.
3. Investigators observed an automatic amusement device in the Function Room near the bar, and questioned Frechette about the machine.
4. Mr. Frechette stated that the club pays out in U.S. Currency but he was not familiar with the machine. Frechette stated that a trustee of the club, David Gavebelle, handles the machine.

¹ The Investigator's report incorrectly listed the day as Wednesday.

5. Investigators observed that the automatic amusement device had the following characteristics which, based on their training and experience, indicated it was being used for illegal gambling:
 - 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 on the left front of the machine which, when pressed, to reset the credits earned to zero.
6. Investigator Keefe placed \$1.00 in U.S. currency into a device and received four credits (25 cents per credit). He selected one credit, the amount he wanted to bet. The device “registered” the bet by displaying one credit to play and three credits remaining. Investigator Keefe then pressed the “knock off” button which reset the credits to zero.
7. Investigators interviewed David Gravebelle about the machine. Mr. Gravebelle stated that the club pays out winnings in U.S. Currency. He stated that the bartender on duty verifies the points by writing the number on a slip of paper and then resets the device. Gravebelle stated that he pays the individual in cash taken from the safe located downstairs in the office.
8. Investigators proceeded to the office where Mr. Gravebelle opened the safe at their request. Investigators observed the safe contained \$5,000.00 in U.S. Currency.
9. Investigators informed Gravebelle of the violation and told him that a report would be filed with the Chief Investigator for further review.
10. At the hearing, Mr. Gravebelle testified that the gaming machine has already been removed from the premises.

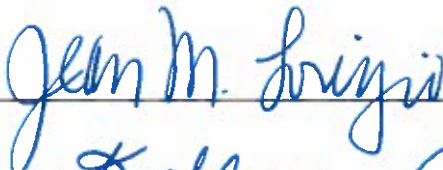
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (1) - Permitting Gambling. Therefore, the Commission **suspends the license for three (3) 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, the Licensee must not possess in or on the licensed premises any automatic amusement devices or video poker machines.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: November 9, 2017

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
Jan Kujawski, Investigator
Dennis Keefe, Investigator
File, Administration