



*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

May 6, 2014

**GLOUCESTER LODGE 892 B.P.O. OF ELKS**  
**97-101 ATLANTIC ROAD**  
**GLOUCESTER, MA 01930**  
**LICENSE#: 045000031**  
**VIOLATION DATE: 01/15/2014**  
**HEARD: 05/06/2014**

After a hearing on May 6, 2014, the Commission finds Gloucester Lodge 892 B.P.O. of Elks 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 25, 2014, and terminate on Thursday, June 26, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 25, 2014 at 9:00 A.M. It will be returned to the licensee Friday, June 27, 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  
Caroline Guarino-Wilichoski, Investigator  
Christopher Temple, Investigator  
Administration  
File

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**DECISION**

**GLOUCESTER LODGE 892 B.P.O. OF ELKS**  
**97-101 ATLANTIC ROAD**  
**GLOUCESTER, MA 01930**  
**LICENSE#: 045000031**  
**VIOLATION DATE: 01/15/2014**  
**HEARD: 05/06/2014**

Gloucester Lodge 892 B.P.O. of Elks (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 6, 2014, regarding an alleged violation of violated 204 CMR 2.05 (1): Permitting Gambling. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Guarino-Wilichoski's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Guarino-Wilichoski's Violation Report dated January 31, 2014;
3. Photo of Envelope with Writing Outside and U.S. Currency Inside It; and
4. Photo of Envelope with Writing on the Outside with a Plastic Container full of Prospectors Pull-Tabs.

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

**FACTS**

1. On Wednesday, January 15, 2014, at approximately 2:00 p. m., Investigators Temple and Guarino-Wilichoski conducted an investigation of the business operation of Gloucester Lodge 892 B.P.O. of Elks 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, Chris Nelson.
3. Investigators went into the bar area and observed a sign that read, "Prospectors" which based on their training and experience, they knows to be a "pull tab" game of chance.
4. Behind the bar, investigators observed a large plastic container which contained pull tab tickets. They observed that the pull tab tickets did not have the "Massachusetts State Lottery" logo on them. The pull tabs cost \$1.00 per ticket. A person playing the game could win up to one hundred dollars (\$100.00).

5. Investigators also observed several envelopes which contained United States currency. They asked Mr. Nelson to explain the significance of each envelope with currency. Mr. Nelson replied that they were for the football squares.
6. Investigators found the "football squares" marked with the following information:
  - o \$1.00 square for the 1/19/2014 game Patriots v. Denver;
  - o \$1.00 square for the 1/19/2014 game Seattle v. San Francisco;
  - o \$2.00 square for the 1/19/2014 game Seattle v. San Francisco;
  - o \$2.00 square for the 2/2/2014 Super Bowl game;
  - o \$5.00 square for the 2/2/2014 Super Bowl game;
  - o \$10.00 square for the 2/2/2014 Super Bowl game;
  - o \$25.00 square for the 2/2/2014 Super Bowl game;
  - o \$50.00 square for the 2/2/2014 Super Bowl game.
7. Investigators advised Mr. Nelson of the violation and that a report would be submitted to the Chief Investigator for review.

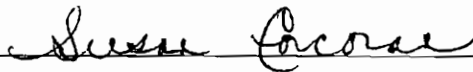
#### CONCLUSION

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.**

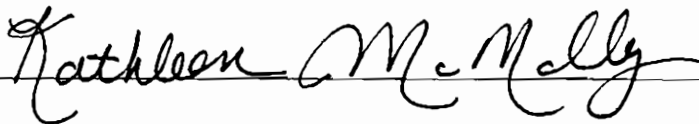
#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



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

Kathleen McNally, Commissioner



Dated: May 6, 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  
Caroline Guarino-Wilichoski, Investigator  
Christopher Temple, Investigator  
Administration  
File