

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

October 4, 2011

Hanson Tavern, Inc. dba J & R's Indian Head Pub
278 Main Street
Hanson, MA 02341
License # 049400002
Heard: 08/23/2011

After a hearing on August 23, 2011, the Commission finds Hanson Tavern, Inc. dba J & R's Indian Head Pub in violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2).

The Commission **suspends the licensee's license for a total of fifteen (15) days to be served.** The suspension shall commence on **Wednesday, November 30, 2011** and terminate on **Thursday, December 15, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 30, 2011 at 9:00 A.M. It will be returned to the licensee Friday, December 16, 2011.

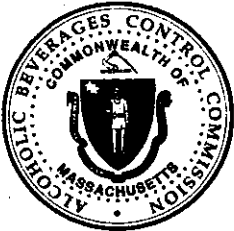
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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

Hanson Tavern, Inc. dba J & R's Indian Head Pub
278 Main Street
Hanson, MA 02341
License # 049400002
Heard: 08/23/2011

Hanson Tavern, Inc. dba J & R's Indian Head Pub (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, August 23, 2011, regarding an alleged violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) 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. Licensee's Stipulation of Facts; and
2. Investigative Report of Michael Teehan.

There is one (1) tape of this hearing.

FACTS

1. On Wednesday, May 4, 2011, at approximately 12:50 p.m., Investigator Bailey investigated the business operation of Hanson Tavern, Inc. dba J & R's Indian Head Pub.
2. While on the licensed premises, Investigator Bailey observed five (5) automatic amusement devices (2-Super Poker Machine, 1- Fruit Bonus Machine and two (2) machines that were shut off).
3. The machines were located in a room next to the bar area.
4. At approximately 12:50p.m., Investigator Bailey observed a male individual accumulate a certain number of points from the video device and informed the female bartender on duty.
5. The bartender took a key that was on her person and opened up a drawer under the bar area and handed the male individual a stack of U.S. currency.
6. On May 19, 2011, at approximately 5:45p.m., Investigators Kenny and Teehan entered the licensed premises in an undercover capacity.
7. At approximately 6:50p.m., Investigator Teehan placed a twenty (20) dollar bill into the Super Poker Device and observed eighty (80) credits displayed on the screen.
8. After inserting money into the machine, Investigator Teehan selected the number of credits he wanted to bet.
9. The machine registered the bet by displaying the number of credits Investigator Teehan had selected.

10. Over a period of time Investigator Teehan accumulated three hundred (300) credits.
11. At this point, he informed the female bartender that he needed to cash out.
12. She walked over to the machine and appeared to reset the machine from the side to show zero (0) credits.
13. The bartender then proceeded back behind the bar and handed him seventy-five (75) dollars in U.S. currency from a moneybag underneath the bar.
14. From his training and experience, Investigator Teehan knew that most video poker machines that are used as gambling devices in Massachusetts are equipped with a "knock-off" mechanism to reset the winning credits to zero (0) and that the standard pay off rate is (.25) per point.
15. At the same that Investigator Teehan had accumulated three hundred (300) credits, he observed a male individual accumulate one thousand (1000) credits from the video device right next to him.
16. The bartender walked over to the machine and appeared to reset the machine to show zero (0) credits.
17. She then proceeded back behind the bar and handed him a stack of U.S. currency from the moneybag underneath the bar.
18. On May 20, 2011, at approximately 6:35p.m., Inspector Teehan entered the licensed premises in an undercover capacity.
19. At approximately 7:20p.m., Investigator Teehan placed a twenty (20) dollar bill into the Super Poker Device and observed eighty (80) credits displayed on the screen.
20. After inserting money into the machine, he selected the number of credits he wanted to bet.
21. The machine registered the bet by displaying the number of credits he had selected.
22. Over a period of time Investigator Teehan accumulated one hundred and forty (140) credits.
23. At this point Investigator Teehan informed the female bartender that he needed to cash out.
24. The female bartender walked over to the machine and appeared to reset the machine from the side to show zero (0) credits.
25. She then proceeded back behind the bar and took forty (40) in U.S. currency from a moneybag underneath the bar, made change from the cash register and handed Investigator Teehan thirty-five (35) dollars in U.S. currency.
26. From Investigator Teehan's training and experience, he knew that most video poker machines that are used as gambling devices in Massachusetts are equipped with a "knock-off" mechanism to reset the winning credits to zero (0) and that the standard pay off rate is (.25) per point.
27. On Thursday, June 9, 2011, at approximately 3:45p.m., Chief Investigator Mahony and Investigator Capurso accompanied members of the Massachusetts State Police Plymouth Narcotics Unit as a search warrant was served upon the licensed premises.
28. During the search of the premises, the investigators conducted an audit of the video poker machines that were on premises.
29. The following characteristics were recorded from the machines:
 - Device #1- "Super Poker"
 - Device had a knock off button that would reset the credits to zero (0) on the right side.
 - The video device accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20)
 - The inside of the devices' computer board contained dip switches
 - One of the buttons was marked double up and allowed a player to double the amount of winnings
 - There was no money found in this device upon inspection
 - Device #2- "Super Poker"
 - Device had a knock off button that would reset the credits to zero on the right side.
 - The video device accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20)
 - The inside of the devices' computer board contained dip switches

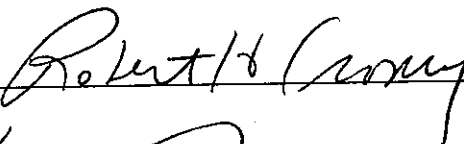
- One (1) of the buttons was marked double up and allowed a player to double the amount of winnings
 - The device had electronic meters which were accessed by hitting the toggle switch and then hitting the button marked "big" which then opened another screen that showed in credits and out credits for the day which were marked "In Meter 1876" "Out Meter 1400"
 - There was four hundred and sixty-nine (469) dollars found in the device
 - Device #3- "Skill Cherry 97"
 - Device had a knock off button that would reset the credits to zero on the right side.
 - The video device accepted dollar bills ranging from \$1, 5, 10 and 20
 - The inside of the devices' computer board contained dip switches
 - One of the buttons was marked double up and allowed a player to double the amount of winnings
 - The device had electronic meters which were accessed by hitting the toggle switch and then hitting the button marked "big" which then opened another screen that showed in credits and out credits for the day which were marked "In 207574" "Out 136773"
 - There was five hundred and fourteen (514) dollars found in the device
 - Device #4- "Wild Double"
 - Inoperable
 - Device #5- "Fruit Bonus 2004"
 - Inoperable
30. While conducting the investigation, Richard Rice, one of the owners entered the premise, began answering all question asked of him by the State Police and Chief Mahony.
 31. Mr. Rice made several statements regarding the video poker devices and illegal payouts.
 32. He stated the bar does and has been paying out to patrons for winning on the machines, and that he is responsible for maintaining the daily bag of money that is left with the bartender.
 33. He further explained how every day he leaves a bag with five hundred (500) dollars and then he showed the investigators a small denim bag which contained seventy-five (75) dollars which was found in the bar area.
 34. He also stated that he leaves the rest of the money for the Treasurer to put in the General Fund.
 35. He further stated that he keeps no record of what the machines take in but stated that they make about six hundred (600) a week from the devices.
 36. He detailed how the bartender would pay a patron, stating that a player would notify the bartender to cash out or collect and the bartender would then come over to the device, verify the amount of points, press the reset button and pay the player based on twenty-five (\$0.25) cents per point/credit.
 37. Investigators informed Mr. Rice of the violation and that a report would be filed for further action.
 38. Administrative review of the file indicates that the licensee had a previous gambling violation in 2002.

CONCLUSION

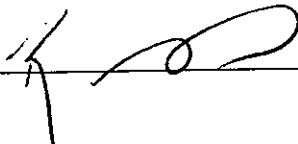
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2). Therefore, the Commission **suspends the licensee's license for a period of fifteen days (15) days to serve. In addition, the licensee must not possess in or on the licensed premises any automatic amusement device or video poker machine.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner



Kim S. Gainsboro, Chairman



Dated: October 4, 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