



***Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358***

Jean M. Lorizio, Esq.
Chairman

DECISION

**SCANLON LLC D/B/A CORNELL'S IRISH PUB
229 HAYDEN ROWE STREET
HOPKINTON, MA 01748
LICENSE#: 00003-RS-0544
VIOLATION DATE: Various from 10/07/2022 to 11/17/2022
HEARD: 4/04/2023**

Scanlon LLC d/b/a Cornell's Irish Pub (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a remote hearing via Microsoft Teams on Tuesday, April 4, 2023, regarding an alleged violation of 204 CMR 2.05 (1): Permitting Gambling.

The above captioned occurred on various dates from October 7, 2022, to November 17, 2022, according to Investigator David's Report.

Prior to the commencement of the hearing, the Licensee stipulated to the facts as written in Investigator David's report.

The following documents are in evidence:

1. Investigator David's Report;
2. ABCC Form 43, Transfer of License Approval, 6/12/2012;
3. Investigative Photographs (7);
4. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, October 7, 2022, at approximately 4:30 p.m., Investigator David ("Investigator") entered the licensed premises of Scanlon LLC d/b/a Cornell's Irish Pub in an undercover capacity to observe how its business was being conducted.
2. Investigator David observed a bartender (B #1) distributing football pool sheets, a "squares" game and a "pick'em" game, to several individuals. The individuals filled out the sheets and returned them with an undetermined amount of U.S. currency to B #1. B #1 placed the football pool sheets in assorted envelopes and put the currency in a white zipper bag on the bar near the cash register.

3. On Thursday, October 13, 2022, at approximately 7:00 p.m., Investigator David entered the licensed premises in an undercover capacity. He observed a bartender (B #2) accept a football "pick'em" pool sheet with an undetermined amount of U. S. currency from an individual. Investigator David observed B #2 place the pool sheet in an envelope and place the currency into a white zipper bag. B #2 changed out some currency from the white zipper bag and placed it in the cash register.
4. Investigator David overheard an unidentified male ask B #2 to identify "the guy sitting at the bar taking bets." B #2 replied, "Joe."
5. On Thursday, October 20, 2022, at approximately 4:30 p.m., Investigators Cutter and David ("Investigators") entered the licensed premises in an undercover capacity. Investigators observed one "pick'em" style pool sheet being handed by an individual to B #1 along with U. S. currency. B #1 placed the pool sheet in an envelope.
6. On Wednesday, October 26, 2022, at approximately 3:00 p.m., Investigators again entered the premises in an undercover capacity. They observed B #1 distribute football pool sheets, including a "squares" game and a "pick'em" game, to several individuals. Investigators observed the individuals place markings on the sheets and then return the sheets with an undetermined amount of U. S. currency to B #1. B #1 placed the pool sheets in assorted envelopes.
7. On Wednesday, November 16, 2022, at approximately 3:15 p.m., Investigators Cutter and David ("Investigators") entered the licensed premises in an undercover capacity.
8. From a bartender (B #3), Investigator David obtained a weekly "pick'em" football pool sheet to pick winners of the NFL [National Football League] games being played on Sunday, November 20, 2022, and Monday, November 21, 2022.
9. Investigator David registered his bets on the pool sheet and handed it to B #3 who told him it was \$10 to play. Investigator David handed \$10 in U. S. currency to B #3 who stapled the bill to the pool sheet. B #3 stated to the Investigator that he would leave the sheet near the cash register for B #1, as he did not know where the pool sheets were kept.
10. On Thursday, November 17, 2022, at approximately 3:30 p.m., Investigators Cutter and David ("Investigators") entered the licensed premises in an undercover capacity and observed an individual fill-out a "squares" pool sheet and return with U. S. currency to B #1.
11. At approximately 4:00 p.m., Investigators Keefe, Temple, and Smith ("Investigators") entered the licensed premises, identified themselves, and inspected the bar area for gambling materials. The Investigators found:
 - Envelope marked "Pats vs. Jets, week 11-1", which contained multiple square pool sheets named "Pats vs. Jets, week 11-1" indicating names of individuals and \$200 in U. S. currency;

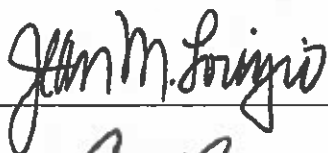
- Envelope marked "Pats vs Jets, week 11-2" which contained multiple square pool sheets named "Pats vs. Jets, week 11-2" indicating names of individuals and \$146 in U. S. currency;
 - Envelope marked "Pats vs Jets, week 8, sheet 1" with the name "Gerolyn" on the front of the envelope and containing \$100 in U. S. currency;
 - Envelope marked "49ers vs Chargers, sheet 2" with the name "Jack B" on the front of the envelope and containing \$100 in U. S. currency;
 - Large Manilla Envelope marked "Grampys Knock Out", which contained multiple survivor style pool sheets. The pool sheets were for NFL week 7.
 - Large Manilla Envelope marked "Turtle Sheets", which contained 12 "pick'em" style pool sheets for NFL games week 11. This envelope contained Investigator David's bet slip with the \$10 bill stapled to it. The envelope contained a total of \$120 in U. S. currency.
 - Large Manilla Envelope marked "Melis and Erin \$10 Pools", which contained eight "pick'em" style pool sheets for NFL week 11 and \$80 in U. S. currency;
 - Large Manilla Envelope marked "Old \$10 Pool", which contained "pick'em" style pool sheets for NFL weeks 1 – 10. The front of the envelope had handwritten markings indicating each NFL week, individuals' name and number of wins.
 - Large Manilla Envelope marked "Old \$2 boards", which contained "squares" game style pool sheets for NFL games weeks 1 – 10. The front of the envelope had handwritten markings indicating each NFL week, individuals' names, and number of wins.
12. Investigators recorded the amounts of U. S. currency found. The currency was left in the staff's possession while the sheets and envelopes were taken as evidence by the Investigators.
 13. B #1 confirmed to Investigators that the bar ran several pools. B #1 said staff members check the scores and sheets, and then pay the winners in U. S. currency. B #1 further stated that they do not receive any percentage of the proceeds, but staff do accept tips from winners for running the pools.
 14. B #1 was cooperative with Investigators and was informed of the violations and advised that a report would be submitted to the Chief Investigator for review.
 15. Ellen Scanlon, Manager, appeared at the Commission hearing and testified the Licensee was trying to bring patrons back into the establishment after COVID with what she described as "innocent fun." Ms. Scanlon testified that the Licensee did not profit from the pools and acknowledged she understood such activity is not permitted.

CONCLUSION

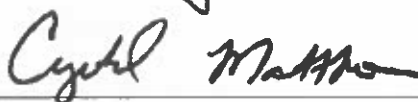
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (1): Permitting Gambling. Therefore, the Commission **suspends the license for five (5) days of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: August 2, 2024

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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2023-000016-ad-enf

cc: Local Licensing Board
Frederick Mahony, Chief Investigator
John David, Investigator
Alicia Cutter, Investigator
Dennis Keefe, Investigator
Administration, File



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

August 2, 2024

**SCANLON LLC D/B/A CORNELL'S IRISH PUB
229 HAYDEN ROWE STREET
HOPKINTON, MA 01748
LICENSE#: 00003-RS-0544
VIOLATION DATE: Various from 10/07/2022 to 11/17/2022
HEARD: 4/04/2023**

After a hearing on April 4, 2023, the Commission finds Scanlon LLC d/b/a Cornell's Irish Pub violated 204 CMR 2.05 (1): Permitting Gambling. 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 are found by this Commission.**

The suspension shall commence on Monday, September 16, 2024, and terminate on Tuesday, September 17, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, September 16, 2024, at 9:00 A.M. It will be returned to the licensee on September 18, 2024.

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 which must be signed by the Licensee and 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

Jean M. Lorizio
Chairman

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