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Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

**HUDSON AMVETS BUILDING ASSOC. INC.
5 SOUTH STREET
HUDSON, MA 01749
LICENSE#: 054800018
VIOLATION DATE: 03/16/2016
HEARD: 06/06/2017**

Hudson Amvets Building Association 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, June 6, 2017, regarding an alleged violation of 204 CMR 2.05(1) Permitting Gambling. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Kujawski's Report.

The following documents are in evidence:

1. Investigator Kujawski's Investigative Report;
2. Licensee's Stipulation of Facts;
3. Four Photos of Video Poker Devices;
4. Photo of U.S. Currency; and
5. Accounting Slip for Cash in Payout Bag.

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 Wednesday, March 16, 2016, at approximately 1:00 p.m., Investigators Velez and Kujawski ("Investigators") investigated Hudson Amvets Building Association 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, Michael Geary.
3. Investigators observed three automatic amusement devices near the bar. The devices were labeled Flush Fever (#1); Touch O'Luck (#2); and Touch O'Luck (#3).
4. Investigators observed that the automatic amusement devices had the following characteristics which, based on their training and experience, indicated these video machines were being used as gambling devices:

- Each had the capability to select the number of points (the amount to bet);
 - Each registered the bet by displaying the number of points selected;
 - Each had the capability to double the bet using a double-up button;
 - Each had a “knock off” mechanism, a print button on the machine, which when pressed printed a slip indicating the number of points and also reset the credits to zero.
5. Investigator Kujawski inserted \$1.00 U.S. Currency into electronic video device #1 Flush Fever and received four credits, which indicated that the value of one credit or point was twenty-five cents. He selected 1 credit to play and the device registered the bet, showing 3 credits remaining. Investigator Kujawski then pressed the print button or “knock off” button, on the machine but the device failed to print a ticket. He then registered another bet and hit play. The device indicated a loss bringing the credits to zero.
 6. Investigators then conducted an internal audit of the machine #1. This device was equipped with a button which when manipulated, changed the screen to display internal data of the device. The screen showed today and yesterday with accumulated credit in, credit out, coin in, coin out, key in, and key out. The device contained \$30.00 in U.S. Currency.
 7. Investigator Kujawski inserted \$1.00 U.S. Currency into electronic video device #2 Touch O’Luck and received four credits (twenty-five cents per credit). He selected 1 credit to play and the device registered the bet, showing 3 credits remaining. Investigator Kujawski then pressed the print button or “knock off” button, on the machine but the device failed to print a ticket. He then registered another bet and hit play. The device indicated a loss and showed zero credits remained. Investigators then conducted an internal audit of the machine.
 8. Investigator Kujawski inserted \$1.00 U.S. Currency into electronic video device #3 Touch O’Luck and received four credits (twenty-five cents per credit). He selected 1 credit to play and the device registered the bet, showing 3 credits remaining. Investigator Kujawski then pressed the print button or “knock off” button, on the machine but the device failed to print a ticket. He then registered another bet and hit play. The device indicated a loss and showed zero credits remained. Investigators then conducted an internal audit of the machine.
 9. Investigators interviewed Michael Geary who stated that the club paid out winnings in cash. Geary stated a player would bring the ticket to the bartender on duty, who paid the winnings in cash taken from a bank bag located in the office safe. Geary said the slips were then discarded after the player had been paid.
 10. Geary showed Investigators the bank bag located in the office safe. The bag contained \$2,000.00 in U.S. Currency and a yellow paper accounting document.
 11. Investigators informed Mr. Geary of the violation and that a report would be submitted to the Chief Investigator for further review.
 12. Administrative review of the Licensee’s Commission file indicates that the Licensee has been in business for more than 45 years with no previous 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 of which five (5) 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 devices or video poker machines.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: June 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
Nick Velez, Investigator
Michael Geary via email
Administration, File