

Re: **The Hillside Social Club, Inc.**
Premise: **4 Howland's Lane**
City/Town: **Kingston, MA 02364**
License #: **056800002**
Heard: **May 25, 2010**

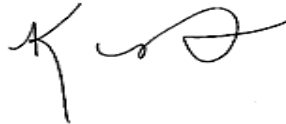
NOTICE

After a hearing was held on May 25, 2010, the Commission finds that the Hillside Social Club, Inc M.G.L. c.140, §177A and M.G.L. c.271, §17 and therefore, **cancels the license forthwith.**

The licensee shall surrender the license immediately to the A.B.C.C. Investigator hand-delivering this Notice.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within 30 days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

Dated at Boston, Massachusetts this 5th day of November 2010.

cc: Local Licensing Board
Phillip Tracy, Jr., Esq.
File

Re: **The Hillside Social Club, Inc.**
Premise: **4 Howland's Lane**
City/Town: **Kingston, MA 02364**
License #: **056800002**
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DECISION

The Hillside Social Club, Inc. (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 May 25, 2010 regarding an alleged violation of M.G.L. c.140, §177A (6 counts) and M.G.L. c.271, §17 (2018 counts). Investigator Michael Teehan's Report regarding the violations that occurred on October 23, 2009.

The following documents are in evidence:

1. Investigator Michael Teehan's Report;
2. PT Conversion Chart;
3. 6x9 Steno Notebook;
4. 6x9 Reconciliation Envelopes;
5. Reconciliation Envelopes dated: 10-23-09 (19) Printed Receipts;
6. 11-2 Printed Receipts;
7. (5) 6x9 Envelopes dates: 10-19-09,10-21-09,10-22-09, \$1000 US Currency;
8. September 2009 Deposition;
9. September 2009 Builders Fund Income Report;
10. August 2009 Monthly Disposition Report;
11. August 2009 Building Fund Income Report;
12. July 2009 Monthly Disposition Report;
13. July 2009 Building Fund Income Report;
14. December 2009 Fund Income Report;
15. Bundle 1,2,3,4,5,and 6 combined; and
16. Board Meeting.

There is one (1) tape of this hearing.

Facts

1. On Friday, October 23, 2009, Investigators Mark Kenny, Jamie Binienda, Michael Teehan and Chief Investigator Frederick Mahoney investigated the business of Hillside Social Club.
2. Investigators reported that they observed six (6) electronic device that were located in the bar area of the licensed premises.
3. The video poker devices were numbered 1-6.
4. Investigator Binienda reported that he identified himself and the reason for their investigation to a male individual, Benjamin D. Fernandes III, who stated he was the Sergeant at Arms of the licensed club.

5. Investigators provided Mr. Fernandes with a letter requesting further documentation relative to the liquor license.
6. Chief Mahoney and Investigator Binienda asked Paul Mullaney, the Assistant Bar Manager, for information on the electronic video devices. Mr. Mullaney stated the devices were used for gambling purposes.
7. Mr. Mullaney stated they had a system of payment for individuals who won on the electronic video devices.
8. Mr. Mullaney stated the bartenders were responsible for recording the daily video poker devices payoff on printed reconciliation envelopes. He stated that he performs these duties on a daily basis.
9. Investigators reported that they checked the liquor storage room and observed numerous copies of documentation labeled "Building Fund Income" and "Monthly Disposition."
10. The Attorney for the Licensee stated he was unable to stipulate to the facts at this hearing because of an ongoing criminal case regarding the licensee.

Conclusion

Based on the evidence, the Commission finds the licensee violated M.G.L. c.140, §177A and M.G.L. c.271, §17 and therefore, **cancels the license**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert Cronin, Commissioner_____

Susan Corcoran, Commissioner_____

Dated in Boston, Massachusetts this 5th day of November 2010.

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 days of receipt of this decision.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
Philip Tracy Jr., Esq. via facsimile 617-523-2346
File