



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

September 21, 2011

Lawrence British Club, Inc.
80 Cambridge Street
Lawrence, MA 01840
License#: 059400016
Heard: 6/28/2011

After a hearing on June 28, 2011, the Commission finds Lawrence British Club, Inc. in violation of 204 CMR 2.05 (1) and 204 CMR 2.05 (2).

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, November 9, 2011 and terminate on Thursday, November 10, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 9, 2011 at 9:00 A.M. It will be returned to the licensee Friday, November 11, 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
Brad Doyle, Investigator
Administration
File



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DECISION

Lawrence British Club, Inc.
80 Cambridge Street
Lawrence, MA 01840
License#: 059400016
Heard: 6/28/2011

Lawrence British 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 Tuesday, June 28, 2011, regarding an alleged violation of 204 CMR 2.05 (1) and 204 CMR 2.05 (2). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
 2. Investigator Brad Doyle's Report.
- A. List of Charitable Donations from Licensee.

There is one (1) tape of this hearing.

FACTS

1. On Wednesday, March 23, 2011, Investigators Hooton and Doyle, accompanied by Lieutenant Conway of the Lawrence Police Department, responding to a complaint of gambling on the premises, investigated the business operation of the Lawrence British Club, Inc.
2. Upon entering the bar, they observed three (3) electronic video devices.
3. They identified themselves to the manager of record Mr. Rossi and informed him that they were going to conduct an inspection of the bar area.
4. Investigators asked Mr. Rossi about the amusement devices.
5. Mr. Rossi stated that the Treasurer, Bruce Fielding, handled the machines.
6. Investigators spoke to Mr. Fielding about the devices.
7. Mr. Fielding stated that the bartender on duty would record the credits won after being notified by an individual.
8. The bartender would then reset the machine through a "knock-off" button so the credits won would change to zero (0).
9. Mr. Fielding stated that individuals were given cash by the bartender on duty for credits won.

10. Mr. Fielding also stated that the devices were owned by Hot Shots Vending of Methuen and every Wednesday someone from Hot Shots would collect the cash from the machines and split the profits with the club in a 55/45 split in the club's favor.
11. Investigators inspected the machines and observed that the electronic video devices (2-Fruit bonus, 1-New Cherry) had several characteristics, which they knew based on our training and experience, to be indications that the machines are utilized as gambling devices:
12. The machines accept one (1), five (5), ten (10) and twenty (20) dollar bills.
13. The machines had markings indicating "for amusement only."
14. All three (3) machines had "knock off" button on the side to reset the credits to zero (0).
15. Each machine had a back-up batter in place.
16. Each machine had electronic dip switches to set odds.
17. Each machine had two (2) meters within the unit to record credits in and credits out.
18. Mr. Fielding opened up each machine for inspection.
19. Machine #1: Had zero (0) dollars in U.S. currency in the money bin.
20. Meters inside the unit showed credits in: 693776 and credits out: 956937.
21. Investigator Doyle placed three (3) dollars in the machine and received twelve (12) credits (twenty-five cents (\$0.25) per credit).
22. This machine had a minimum bet of eight (8) credits to play.
23. After selecting eight (8) credits, the machine registered the bet displaying eight (8) credits to be played and showing four (4) credits remaining.
24. Investigator Doyle pressed the play button and won seven (7) credits for a total of eleven (11) credits remaining.
25. After pressing a button on the side of the machine, the credits reset to zero (0).
26. The meters were then recorded as credits in: 693788 and credits out: 956948.
27. Machine #2: Had zero (0) dollars in U.S. currency in the money bin.
28. Meters inside the unit showed credits in: 004691 and credits out: 118937.
29. Investigator Doyle placed three (3) dollars in the machine and received twelve (12) credits (twenty-five cents (\$0.25) per credit).
30. After selecting eight (8) credits, the machine registered the bet displaying eight (8) credits to be played and showing four (4) credits remaining.
31. After pressing a button on the side of the machine, the credits reset to zero (0).
32. The meters were then recorded as credits in: 004703 and credits out: 118941.
33. Machine #3: Had zero (0) dollars in U.S. currency in the money bin.
34. Meters inside the unit showed credits in: 529365 and credits out: 781209.
35. Investigator Doyle placed three (3) dollars in the machine and received twelve (12) credits (twenty-five cents (\$0.25) per credit).
36. After selecting eight (8) credits, the machine registered the bet displaying eight (8) credits to be played and showing four (4) credits remaining.
37. After pressing a button on the side of the machine, the credits reset to zero (0).
38. The meters were then recorded as credits in: 529377 and credits out: 781213.
39. Investigators informed Mr. Fielding that a violation report would be submitted to the Chief Investigator for review.
40. Investigators exited the premises with Lieutenant Conway at approximately 3:30 p.m., March 23, 2011, without incident.
41. Administrative review of the file indicates the licensee has been in business since 1968 and has no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05(1) (1 count) and 204 CMR 2.05(2) (1 count). The licensee has no prior violations. Therefore, the Commission suspends the license for a period of 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

Kim S. Gainsboro, Chairman

Robert Cronin, Commissioner

Dated: September 21, 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
Brad Doyle, Investigator
Administration
File