



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 26, 2011

Concordia Social Club, Inc.
1 East Platt Street
Lawrence, MA 01840
License#: 059400024
Heard: July 26, 2011

After a hearing on July 26, 2011, the Commission finds Concordia Social Club, Inc. in violation of 204 CMR 2.05 (1) (1 count) and 204 CMR 2.05 (2) (1 count).

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, November 16, 2011** and terminate on **Thursday, November 17, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 16, 2011 at 9:00 A.M. It will be returned to the licensee Friday, November 18, 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

Concordia Social Club, Inc.
1 East Platt Street
Lawrence, MA 01840
License#: 059400024
Heard: July 26, 2011

Concordia 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 Tuesday, July 26, 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;
 2. Investigator Brad Doyle's Report dated March 23, 2011;
 3. Envelope with donation "1000" written on it;
 4. Envelope with donation "420" written on it;
 5. Envelope with donation "800" written on it; and
 6. Envelope with "400" written on it.
- A. Presentation document of Concordia Social Club Inc. (10 items in folder)

FACTS

1. On Wednesday March 23, 2011, Investigators Hooton and Doyle, accompanied by Lieutenant Conway of the Lawrence Police, entered the Concordia Social Club, Inc. in response to a complaint of gambling on the premises.
2. The investigators observed five (5) electronic devices.
3. The investigators inspected the bar area and found four (4) sealed envelopes in plain view next to the cash registers.
4. The bartender on duty explained the process of paying out on winning credits.
5. The manager of record arrived and explained why the four (4) envelopes were there.
6. Each envelope was opened in front of the manager.
7. Exhibit #3 contained two hundred and fifty (250) dollars.
8. Exhibit #4 contained one hundred and five (105) dollars.
9. Exhibit #5 contained two hundred (200) dollars.

10. Exhibit #6 contained one hundred (100) dollars.
11. The manager stated a representative of Able Vending Company of Malden came every Monday to count the money in the machines.
12. He told the investigators the club split the profits of each machine 50/50 with Able Vending Company.
13. The investigators inspected the machines.
14. The machines accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20).
15. Machines had markings indicating "for amusement only".
16. Three (3) of the machines ha a knock off button in the back to reset the credits to zero (0).
17. Two (2) machines had two (2) bolts on the right side.
18. When a metal object touched each bolt simultaneously, the machine would reset to zero (0).
19. Each machine had a back-up battery in place.
20. Each machine had electronic dip switches to set odds.
21. Each machine had two (2) meters within the unit to record credits in and credits out.
22. The manager opened up the machines for inspection.
23. Machine #1 had zero (0) dollars in U.S. currency.
24. Machine #2 had zero (0) dollars in U.S. currency.
25. Machine #3 had two hundred and sixty (260) dollars in U.S. currency.
26. Machine #4 had eight (8) dollars in U.S. currency.
27. Machine #5 had zero (0) dollars in U.S. currency.
28. At the hearing, the attorney for the licensee made a motion to dismiss count (1) of the two (2) counts charged violations brought against the licensee.
29. The Licensee avers that 204 CMR 2.05 (1) is a lesser included offense of 204 CMR 2.05 (2) and as such, the charge is duplicative.
30. Administrative review of the file indicates this was the first violation by the licensee since being licensed in 1933.

DISCUSSION

The Commission is not persuaded that the charges are duplicative.

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.**