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Chairman

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

**HAYES TAVERN VENTURES LLC D/B/A HAYES TAVERN
167 SOUTH UNION ST.
LAWRENCE, MA 01840
LICENSE# 0594-00082
VIOLATION DATE: 6/20/2018
HEARD: 9/25/2018**

Hayes Tavern Ventures LLC d/b/a Hayes Tavern (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, September 25, 2018, regarding an alleged violation of 204 CMR 2.05 (1) Permitting Gambling. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee's Stipulation of Facts; and
3. Eight Photographs of the Interior of the Licensed Premises.

A. Licensee's Photo of Interior of Premises.

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, June 20, 2018, at approximately 10:35 p.m., Investigators Keefe and Di Cicco ("Investigators"), along with Sergeant Jay Cerullo from the Lawrence Police Department, Alcohol Enforcement Division, conducted an investigation of the business operation of Hayes Tavern Ventures LLC d/b/a Hayes Tavern to determine the manner in which its business was being conducted.
2. While inside the licensed premises, Investigators observed a closed door located to the far right side of the bar area. The door had a coat rack mounted on it and a sign that read, "Employees Only."
3. Investigators made contact with Daniel Laratonda, who identified himself as the owner, and requested to see behind the closed door. Investigators observed a small room which

contained four electronic video gaming devices; a surveillance camera; a surveillance camera monitor screen; and storage items.

4. Investigators made the following observations of the electronic video devices which, based on their training and experience, indicated the devices were being used for illegal gambling:
 - A sign in the room read, "Machines for Entertainment Purposes Only";
 - Surveillance Camera was pointed at the electronic video gaming devices;
 - Some of the devices were marked, "Amusements Only";
 - Some of the devices were marked, "No Cash Payouts";
 - The devices accepted various denominations of U.S. Currency;
 - Device had the capability to select the number of points (the amount to bet);
 - Device registered the bet by displaying the number of points selected;
 - Some of the devices had the capability to bet small or large or to double up the bet;
 - The devices had functional ticket dispensers;
 - The devices had a "knock off" button in the form of a ticket button which, when pressed, reset the credits earned to zero.
5. The electronic video gaming devices were marked numbers 1, 2, 3 and 4.
6. Investigators opened each electronic video gaming device and observed a set of dial meters inside each device with a bucket containing U. S. Currency. Investigators counted the amount of currency in each device and recorded the following:
 - Device #1: \$165.00 (eight \$20 bills; one \$5 bill);
 - Device #2: \$176.00 (seven \$20 bills; one \$10 bill; four \$5 bills; six \$1 bills);
 - Device #3: \$285.00 (thirteen \$20 bills; two \$10 bills; one \$5 bill);
 - Device #4: \$80.00 (one \$20 bill; five \$10 bills; two \$5 bills).
7. Investigators conducted an audit of the electronic video devices. Investigators inserted a \$5 U.S. Currency into devices #1, 3, and 4. The display screen on each device displayed 20 credits.
8. Investigators observed each device made a ticking noise. Investigators know this noise to be consistent with the internal dial meters inside the machines keeping track of the device's activity with credits in and credits out. The device registered the bet and each credit was valued at twenty-five cents per credit.
9. Investigators inserted U.S. Currency in device #2, which registered the bet. Device #2 valued each credit at five cents per credit.
10. Investigators then played the machines. Devices #1, 2, and 3 which were slot-like games. Device #4 was a poker game.

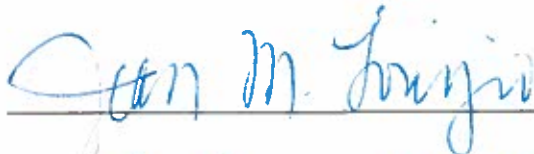
11. As Investigators played the gaming devices, the display screen for each device deducted the credits based on the amount bet and increased the credits when the Investigator won.
12. Investigators were able to bet big, small, and double-up on a bet. When Investigators were finished playing, they pressed the take or ticket button that, when pressed, made an internal clicking noise, reset the credits to zero and printed a slip displaying the number of credits remaining. The take or ticket button served as a "knock off" mechanism.
13. Mr. Laratonda stated to Investigators that the bar does pay out U.S. Currency to individuals who win on the electronic video devices. When an individual finished playing, they would see him. If he were not on the premises, the person provided the bartender with the printed slip. Laratonda would see that person on the next day or leave an envelope containing their cash winnings, behind the bar.
14. Investigators informed Mr. Laratonda of the violation and that a report would be filed with the Chief Investigator for further review.

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 four (4) days which 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, any automatic amusement devices or video poker machines which the Licensee possesses shall not be used for gaming purposes.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: September 26, 2018

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
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Arthur J. Broadhurst, Esq. via facsimile 978-327-5144
Administration, File