

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

August 16, 2011

LAWRENCE LODGE 65, BENEVOLENT & PROTECTIVE ORDER OF ELKS
652 ANDOVER STREET
LAWRENCE, MA 01840
LICENSE #: 05400005
HEARD: 07/12/2011

After a hearing on July 12, 2011, the Commission finds Lawrence Lodge 65, Benevolent & Protective Order of Elks 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, October 5, 2011** and terminate on **Friday, October 7, 2011**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 5, 2011 at 9:00 A.M. It will be returned to the licensee Saturday, October 8, 2011.

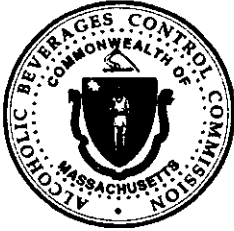
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Dennis Keefe, Investigator
Administration
File



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

LAWRENCE LODGE 65, BENEVOLENT & PROTECTIVE ORDER OF ELKS
652 ANDOVER STREET
LAWRENCE, MA 01840
LICENSE #: 05400005
HEARD: 07/12/2011

Lawrence Lodge 65, Benevolent & Protective Order of Elks (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 12, 2011, regarding an alleged violation of 204 CMR 2.05 (1) (1 count) and 204 CMR 2.05 (2) (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Dennis Keefe's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Dennis Keefe's Report.

There is one (1) tape of this hearing.

FACTS

1. On Wednesday, March 23, 2011, Investigators Kujawski, Bailey and Keefe, responding to a complaint of gambling on the premises, investigated the business operation of Lawrence Lodge 65, Benevolent & Protective Order of Elks.
2. Upon entering the bar, Investigators observed six (6) electronic devices.
3. They identified themselves to the manager and also the bartender on duty.
4. They informed them that they were going to conduct an inspection of the premise.
5. The bartender stated that the machines were used for weekly drawings.
6. He stated customers would play and at the end of the week, the manager or the bartender would give out gift certificates to people with the most points.
7. The bartender also stated that after customers were done playing, they print out the slip and bring them to her.
8. Investigators asked where they kept the slips and cash and she replied in the safe.
9. The safe was located behind the bar in a separate room.
10. Upon inspection, Investigators found an envelope that appeared to contain U.S. currency.
11. Also, in plain view next to the envelope were two (2) slips.
12. Each slip had a person's name above a number.
13. Investigators asked the bartender to count the U.S. currency in the envelope.
14. She counted six hundred and fifteen (615) dollars in U.S. currency.
15. Investigators also asked if she could also count the currency in the machines.
16. She counted seventy-two (72) dollars in U.S. currency.
17. Investigators asked the manager who owned the machines and how the money was split.

18. He stated that a man named Mike owned them, but he did not have his last name and did not know the company he worked for.
19. Investigator Bailey called Mike and confirmed that Mike Vinal, from Tech Vending, owned the machines.
20. The manager stated Mr. Vinal would come in every Monday or Tuesday to split the winnings and also collect a six hundred (600) dollar weekly maintenance fee.
21. Investigator Bailey asked to speak with the treasurer.
22. The treasurer stated gambling money was collected every morning by the bartender.
23. The club portion is then counted and verified by the club secretary, Mike Higson, who records in the ledger for bi-weekly minutes read.
24. Mr. Higson gives the cash to the treasurer, who records the amounts on a spreadsheet, and makes out a bank deposit slip which is then deposited by the manager.
25. The treasurer stated a rough estimate of monthly deposits for video poker devices was seven thousand (7,000) to eight (8,000) dollars per month.
26. Investigators inspected the machines and observed that the electronic devices (Video Poker, Queen Bee and Cherry 96) had several characteristics, which Investigators know based on their training and experience, to be indications that the machines are utilized as gambling devices.
27. The machines accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20) dollar bills.
28. Each machine had a "knock off" button in the form of a print button to rest the machine to zero (0).
29. Each machine had a back-up battery in place.
30. Each machine had electronic dipswitches to set odds.
31. Each machine had two (2) meters within the unit to record credits in and credits out.
32. The staff opened each machines for inspection.
33. The Investigators made several observations.
34. The first machine contained forty (40) dollars in U.S. currency in the money bin.
35. Meters inside the unit showed credits in at "135879" and credits out at "982303."
36. Investigator Keefe placed one (1) dollar in the machine and received four (4) credits.
37. After selecting two (2) credits, the machine registered the bet displaying two (2) credits to be played and showing two (2) credits remaining.
38. After pressing the print button, the credits reset to zero (0).
39. The meters were then recorded as credit in at "135883" and credits out at "982305."
40. The second machine contained zero (0) dollars in U.S. currency in the money bin.
41. Meters inside the unit showed credits in at "228085" and credits out at "247897."
42. Investigator Keefe placed one (1) dollar in the machine and received four (4) credits.
43. After selecting two (2) credits, the machine registered the bet displaying two (2) credits to be played and showing two (2) credits remaining.
44. After pressing the print button, the credits reset to zero (0).
45. The meters were then recorded as credit in at "228089" and credits out at "247899."
46. The third machine contained twenty (20) dollars in U.S. currency in the money bin.
47. Meters inside the unit showed credits in at "831872" and credits out at "073705."
48. Investigator Keefe placed one (1) dollar in the machine and received four (4) credits.
49. After selecting two (2) credits, the machine registered the bet displaying two (2) credits to be played and showing two (2) credits remaining.
50. After pressing the print button, the credits reset to zero (2).
51. The meters were then recorded as credit in at "831876" and credits out at "073709."
52. The fourth machine contained zero (0) dollars in U.S. currency in the money bin.
53. Meters inside the unit showed credits in at "158433" and credits out at "621845."
54. Investigator Keefe placed one (1) dollar in the machine and received four (4) credits.

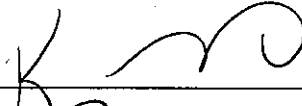
55. After selecting two (2) credits, the machine registered the bet displaying two (2) credits to be played and showing (2) credits remaining.
56. After pressing the print button, the credits reset to zero (0).
57. The meters were then recorded as credit in at "158437" and credits out at "621849."
58. The fifth machine contained zero (0) dollars in U.S. currency in the money bin.
59. Meters inside the unit showed credits in at "050262" and credits out at "0526603."
60. Investigator Keefe placed one (1) dollar of U.S. currency in the machine and received four (4) credits.
61. After selecting two (2) credits, the machine registered the bet displaying two (2) credits to be played and showing two (2) credits remaining.
62. After pressing the print button, the credits reset to zero (0).
63. The meters were then recorded as credit in at "050266" and credits out at "0526605."
64. The sixth machine contained twelve (12) dollars in U.S. currency in the money bin. Meters inside the unit showed credits in at "770720" and credits out at "185969."
65. Investigator Keefe placed one (1) dollar of U.S. currency in the machine and received four (4) credits.
66. After selecting two (2) credits, the machine registered the bet displaying two (2) credits to be played and showing two (2) credits remaining.
67. After pressing the print button, the credits reset to zero (0).
68. The meters were then recorded as credit in at "770724" and credits out at "185971."
69. The number of points resulting in one (1) dollar in U.S. currency reflects that each point was worth twenty five (25) percent of a dollar.
70. Based on the investigators training and experience, this was the standard value per credit for illegal gambling machines in Massachusetts.
71. The Investigators spoke with the club secretary again.
72. Investigators, along with the employees of the club, were discussing the machines.
73. After numerous questions by Investigators, the manager admitted to paying off on the video poker devices.
74. Administrative review of the file indicates this licensee has no prior violations.

CONCLUSION

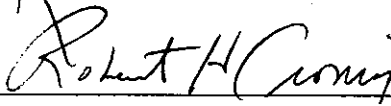
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1) (1 count) and 204 CMR 2.05 (2) (1 count). The licensee has no prior violations. Therefore, the Commission **suspends the licensee's license for a period of five (5) days of which two (2) days will be served and three (3) 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



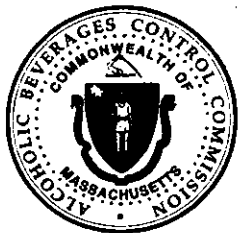
Robert H. Cronin, Commissioner



Dated: August 16, 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
Dennis Keefe, Investigator
Administration
James Hajjar, Esq. via Facsimile
File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

AMENDED
NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

August 19, 2011

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652 ANDOVER STREET
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HEARD: 07/12/2011

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The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, October 5, 2011 and terminate on Thursday, October 6, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 5, 2011 at 9:00 A.M. It will be returned to the licensee Friday, October 7, 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.

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Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Rosemary Bailey, Investigator
Administration
File