

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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

Polish Americans Citizens Club, Inc.
27 Currier St.
Lawrence, MA 01840
License#: 0594-00023
Heard: June 14, 2011

Polish American Citizens 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 14, 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 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; and
3. Payoff Slip Used by the Club.

There is one (1) tape of this hearing.

FACTS

1. On Wednesday March 23, 2011, Investigators inspected the business operation of the Polish American Citizens Club, Inc.
2. The investigators and Lieutenant Conway, of the Lawrence Police Department, were responding to a complaint of gambling on the premises.
3. The investigators observed three (3) electronic video devices.
4. The bartender told the investigators that the Club President was the only person that handled the machines.
5. The Club President arrived and told the investigators the bartender on duty would record the credits won after being notified by an individual.
6. The bartender would reset the machine through a "knock off" button so the credits won would change to zero (0).
7. The Club President stated he was the only person authorized to give cash to individuals for credits won.
8. The President said the club owned the machines.

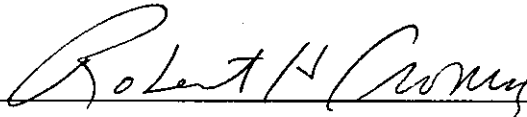
9. The investigators inspected the machines and determined they had all the characteristics of gambling devices.
10. Administrative review of the file indicates a similar violation by the local board in 1988.

CONCLUSION

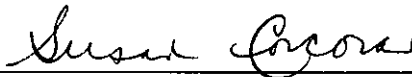
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1) (1 count) and 204 CMR 2.05 (2) (1 count). Therefore, the Commission **suspends the licensee's license for a period of five (5) days of which five (5) days will be held in abeyance for a period of two (2) years provided 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

Robert H. Cronin, Commissioner



Susan Corcoran, Commissioner



Dated: August 15, 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
Lt. Conway, Lawrence Police Department
Administration
File