



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

October 27, 2015

LOWELL LODGE #87 B.P.O.E. OF U.S.A.
40 OLD FERRY RD.
LOWELL, MA 01852
LICENSE#: 063000087
VIOLATION DATE: 06/26/2015
HEARD: 10/27/2015

After a hearing on October 27, 2015, the Commission finds Lowell Lodge #87 B.P.O.E. of U.S.A. violated 204 CMR 2.05 (1): Permitting Gambling.

The Commission suspends the license for four (4) days of which two (2) days will be served and two (2) 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 devices or video poker machines.

The suspension shall commence on Wednesday, December 16, 2015, and terminate on Thursday, December 17, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, December 16, 2015 at 9:00 A.M. It will be returned to the Licensee Friday, December 18, 2015.

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 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.

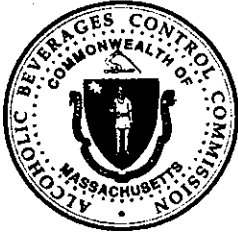
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jan Kujawski, Investigator
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
John Cox Esq. via fax 978-970-0521
Administration
File



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DECISION

LOWELL LODGE #87 B.P.O.E. OF U.S.A
40 OLD FERRY RD.
LOWELL, MA 01852
LICENSE#: 063000087
VIOLATION DATE: 06/26/2015
HEARD: 10/27/2015

Lowell Lodge #87 B.P.O.E. of U.S.A. (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, October 27, 2015, regarding an alleged violation of 204 CMR 2.05 (1): Permitting Gambling. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Kujawski's Report.

The following documents are in evidence:

1. Investigator Kujawski's Investigative Report dated June 26, 2015;
2. Licensee's Stipulation of Facts;
3. Photographs of Gaming Devices;
4. Photograph of Lowell Amusement Company Calendar; and
5. Photograph of Cash Drawer.

The Commission took Administrative Notice of the Licensee's Commission files.

There is one (1) audio recording of this hearing.

FACTS

1. On Friday, June 26, 2015, at approximately 5:38 p.m., Investigators Kujawski, Keefe, and Di Cicco (Investigators) conducted an investigation of the business operation Lowell Lodge #87 B.P.O.E. of USA to determine the manner in which the business was being conducted.
2. Upon entering the bar, Investigators observed five electronic video devices.
3. Investigators identified themselves to the bartender on duty, later identified as Elaine Sauary.
4. Investigators asked Ms. Sauary to speak with the Manager on Record or whoever is in charge.

5. While Investigators were waiting to speak with a person in charge they observed the electronic video devices.
6. Investigators made the following observations that, based on their training and experience, indicate that four out of five electronic video devices were being utilized as gambling devices:
 - Four devices accepted U.S. currency ranging from \$1, \$5, \$10, and \$20.
 - Four devices had markings that indicated "for amusement only."
 - The capability to raise a bet by selecting the raise credit button.
 - Small metal bolts located on the side of the machine.
7. The four electronic video devices in question were labeled as follows:
 - Machine 1: United We Stand.
 - Machine 2: United We Stand.
 - Machine 3: Hi- Lo Double Joker Poker.
 - Machine 4: Hi- Lo Double Joker Poker.
8. Investigators were then met by a man, identified as Theodore Sarantis.
9. Mr. Sarantis identified himself as the Exulted Ruler for the lodge.
10. Investigators asked Mr. Sarantis if they could speak with him about the electronic video devices.
11. Mr. Sarantis consented to speak with Investigators and invited the Investigators into his office located next to the bar.
12. Mr. Sarantis informed Investigators that the club pays out cash for winnings on the electronic video devices.
13. Mr. Sarantis offered to show Investigators the location of the cash box used to payout on the electronic video devices.
14. The cash box was located in a large safe inside the same office next to the bar and inside the cash box was \$1475 U.S. currency.
15. The U.S. currency was handled and counted by Mr. Sarantis.
16. Mr. Sarantis informed Investigators that the split for the cash earned on the electronic video devices was 50/50 between the club and the owner of the electronic video devices.
17. Mr. Sarantis informed Investigators that the money they paid to the owner of the electronic video devices was collected every 2-4 weeks.
18. Mr. Sarantis stated that the electronic video devices were owned by Lowell Amusement Company.
19. A calendar for Lowell Amusement Company was located outside the office.
20. Investigators asked Mr. Sarantis if he could show them how the electronic devices worked.
21. Mr. Sarantis stated he was not sure and referred Investigators to Ms. Sauary.
22. Ms. Sauary consented to show the Investigators how the electronic video devices worked.
23. Ms. Sauary was able to reset or lock the machines information by placing a coin to the small metal bolts located on the side of the machine.

24. This resetting or locking of the electronic video devices information served as a "knock- off" switch.
25. Ms. Sauary informed Investigators that the process for a player to cash out and get paid was to have the bartender use a coin to lock the information on the screen of the electronic video device and record the information displayed on the screen.
26. This information included how much money/ points the player had.
27. Investigators Keefe and Di Cicco conducted an audit of the electronic video devices.
28. The audit revealed that when a player entered money into the device, the player received points.
29. Investigator Keefe and Di Cicco entered \$1 of U.S. Currency into the electronic device and received four points.
30. Investigators then asked Ms. Sauary how to cash out.
31. Ms. Sauary activated the "knock off" switch and the electronic video device locked the information on the screen.
32. The word "points" that was illuminated in white changed to the word "tilted" and illuminated in red after Ms. Sauary activated the "knock- off" switch.
33. Ms. Sauary informed Investigators that this was the information recorded for payout purposes.
34. Ms. Sauary then informed Investigators that the player would have to wait a day to collect their money from the bar.
35. Ms. Sauary was unable to open the electronic video devices.
36. Ms. Sauary stated that the owner of the electronic video devices was the only person with keys.
37. During the Investigators' inquiries, both Mr. Sarantis and Ms. Sauary were cooperative and provided the Investigators with information.
38. Investigator Kujawski informed Mr. Sarantis that a report would be filed with the Commission charging the Licensee with permitting gambling on the licensed premises.

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 of which two (2) days will be served and two (2) 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 devices or video poker machines.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner Elizabeth A. Lashway

Kathleen McNally, Commissioner Kathleen McNally

Dated: October 27, 2015

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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