

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

July 26, 2017

**PORTUGUESE AMERICAN CENTER, INC.
59 CHARLES STREET
LOWELL, MA 01852
LICENSE#: 0630-00023
VIOLATION DATE: 5/13/2016
HEARD: 7/11/2017**

After a hearing on July 11, 2017, the Commission finds Portuguese American Center, Inc. violated 204 CMR 2.05 (1) – Permitting Gambling.

The Commission suspends the license for twenty (20) days of which twelve (12) days will be served, and eight (8) 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, September 20, 2017 and terminate on Sunday, October 1, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 20, 2017 at 9:00 A.M. It will be returned to the licensee on Monday, October 2, 2017.

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 the Licensee and 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.

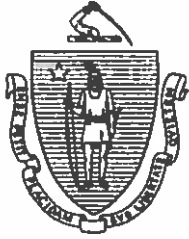
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in cursive script, reading "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Michael Teehan, Investigator
Karen Simao, Esq. via facsimile 617-946-4624
Administration, File



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DECISION

**PORTUGUESE AMERICAN CENTER, INC.
59 CHARLES STREET
LOWELL, MA 01852
LICENSE#: 0630-00023
VIOLATION DATE: 5/13/2016
HEARD: 7/11/2017**

Portuguese American Center, Inc. (the "Licensee")¹ holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on July 11, 2017, 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 Temple's Report.

The following exhibits are in evidence:

1. Investigator Temple's Investigative Report'
 2. Licensee's Stipulation of Facts; and
 3. Gaming Slip.
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- A. Letter describing Portuguese American Center, Inc.; and
 - B. Description of cultural events and feasts and photos.

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 Friday, May 13, 2016, at approximately 12:30 p.m., Investigators Teehan and Temple ("Investigators") investigated Portuguese American Center, Inc., to determine the manner in which its business was being conducted.

¹ While the Investigator's Investigative Report spells the name of the Licensee as "Portuguess" American Center, Inc., it appears to be a typographical error and the Commission will use the club's correct spelling.

2. Investigators entered the licensed premises and observed three electronic video devices behind the bar.
3. Investigators observed that the electronic video devices had the following characteristics which, based on their training and experience, indicated they were being used for illegal gambling:
 - Each device had marking on the front stating "Quick Draw Poker";
 - Each device contained a "knock off" mechanism in the front in the form of two bolts that reset the credits to zero;
 - Each device was equipped with a button labeled "double," which is used to double a wager;
 - Inside each device there was an electronic board that had five blue Differential Interface Program switches that are used to set retention ratios, number of credits per coin, double up game percentages, maximum bet, winning combinations, and credit limits;
 - Each device had two red buttons which, when activated, changed the screen on the device to indicate internal data of the device including credits in/credits out and coin in/coin out.
4. Investigators spoke with Manny Pais, the manager of record, who informed the Investigators that the club pays out 25 cents a point for winning. In the Investigators' training and experience, 25 cents per point is the common rate paid for winnings on illegal gambling devices in Massachusetts.
5. Pais stated that the machines are owned by "John's vending company," that the club splits the earnings 80/20 with John, and that John comes once a week to collect his share.
6. The bartender and Pais explained to Investigators that the machines do not print out receipts; when someone wins they fill out a receipt slip and pay out from a separate bank bag behind the bar.
7. Behind the bar, Investigators found a payoff sheet. The paper had the marking of "Ban#3," "600," and "150.00." Based on the Investigators' training and experience, the "600" indicated the number of credits won and the "150.00" indicated the amount of money paid off on those credits.
8. The same paper contained additional markings of "Ban," "240" and "60." "240" indicates the number of credits won and the "60" indicates the amount of money paid off on those credits.
9. Investigator Teehan placed \$1.00 in U.S. currency into a device and four credits (25 cents per credit) appeared on the screen. He selected four credits, the amount he wanted to bet. The device "registered" the bet by displaying the number of credits Investigator Teehan had selected. He placed his keys between two bolts. The credits reset to zero.

10. Investigators informed Pais of the violation and told him that a report would be submitted.

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 twenty (20) days of which twelve (12) days will be served, and eight (8) 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.**

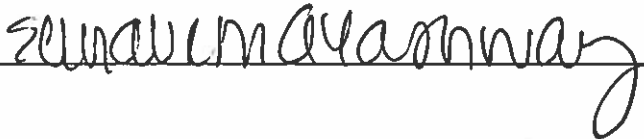
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Elizabeth A. Lashway, Commissioner



Dated: July 26, 2017

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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