



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

May 20, 2014

ITALIAN AMERICAN CITIZENS CLUB OF WARD #2 INC.
121 PEARL ST.
MALDEN, MA 02148
LICENSE#: 064600036
VIOLATION DATE: 11/20/2013
HEARD: 05/13/2014

After a hearing on May 13, 2014, the Commission finds Italian American Citizens Club of Ward #2 Inc. in violation of 204 CMR 2.05 (1): Permitting Gambling.

The Commission **suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, July 9, 2014, and terminate on Thursday, July 10, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 9, 2014 at 9:00 A.M. It will be returned to the licensee Friday, July 11, 2014.

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
Michael Teehan, Investigator
Dennis Keefe, Investigator
Christopher G. Fallon, Esq. via fax 781-322-1663
Administration
File

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DECISION

ITALIAN AMERICAN CITIZENS CLUB OF WARD #2 INC.
121 PEARL ST.
MALDEN, MA 02148
LICENSE#: 064600036
VIOLATION DATE: 11/20/2013
HEARD: 05/13/2014

Italian American Citizens Club of Ward #2 Inc. (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, May 13, 2014, 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 Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report dated November 21, 2013;
2. Licensee's Stipulation of Facts; and
3. Blank Slip of Paper to List Credits to Play Game.

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

The Commission took administrative notice of the Licensee's records.

FACTS

1. On Wednesday, November 20, 2013, at approximately 1:30 p. m., Investigators Keefe, Velez, Kenny and Teehan conducted an investigation of the business operation of Italian American Citizens Club of Ward #2 Inc. to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and identified themselves to the bartender on duty, Ed Guliano, and inspected the bar area.
3. Investigators observed four electronic video devices (Dino Dino, World War II, Crazy Bugs, and Blazing Bugs) in a room near the bar area. They also observed in plain view several 4" x 5" pads of paper with printing on each sheet that indicated: video game – amusement only, machine #, number of credits towards gift card of choice, no cash prizes.
4. In the course of the interview with investigators, Mr. Guliano stated that the Licensee does not payoff for winnings on the electronic video devices with gift cards.

5. Investigators made the following observations, which based on their training and experience, indicate that these electronic devices were being utilized as gambling devices:
 - Each device had markings which indicated “for amusement only”.
 - Each device accepted dollar bills ranging from \$1, \$5, \$10, \$20.
 - After inserting US currency into the device, an investigator selected the number of credits (the amount to bet). The device “registered” the bet by displaying the number of credits selected.
 - Each device had the capability to double up the bet by selecting a double-up button.
 - Each device had a “knock off” mechanism in the form of push button on the back of the machine, or of a ticket button on the front console which when pressed, reset the winning credits to zero.
6. Investigator Keefe inserted one U.S. dollar into several machines: Dino Dino, World War II, and Crazy Bugs, and each device registered a bet. He then pressed the knock-off button on the back of the machine, and observed the credits reset to zero.
7. Investigator Keefe inserted one U.S. dollar into the machine Blazing Bugs, which registered the bet. He then placed a coin on two bolts (the knock-off switch) on the side of the device and observed the credits reset to zero.
8. Investigators advised Mr. Guliano of the violation and that a report would be submitted to the Chief Investigator for review.
9. The next day Investigator Teehan spoke with the manager on record, Henry Gennetti via telephone.
10. Mr. Gennetti stated to Investigator Teehan that the electronic devices payout at a rate of twenty-five cents per point. Based on his training and experience, Investigator Teehan knows this to be the standard payoff rate for illegal gambling devices in Massachusetts.
11. Mr. Gennetti further advised that the vendor of the machines is Able Vending and the split of net revenue is 60% for the club and 40% for Able Vending.

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 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

Kathleen McNally, Commissioner Kathleen McNally

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

Susan Corcoran, Commissioner Susan Corcoran

Dated: May 20, 2014

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
Michael Teehan, Investigator
Dennis Keefe, Investigator
Mark Kenny, Investigator
Nicholas Velez, Investigator
Christopher G. Fallon, Esq. via fax 781-322-1663
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