

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

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

September 19, 2011

ITALIAN AMERICAN WAR VETERANS OF U.S. INC. MARLBOROUGH POST #45.
111 NEIL STREET
MARLBOROUGH, MA 01752
LICENSE#: 066200043
HEARD: 08/23/2011

After a hearing on August 23, 2011, the Commission finds Italian American War Veterans of U.S. Inc. Marlborough Post #45 in violation of 204 CMR 2.05 (1) and 204 CMR 2.05 (2).

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, November 9, 2011** and terminate on **Thursday, November 10, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 9, 2011 at 9:00 A.M. It will be returned to the licensee Friday, November 11, 2011.

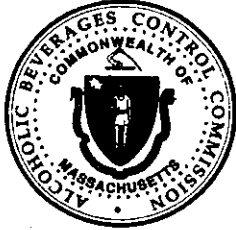
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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



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

Steven Grossman
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DECISION

Kim J. Gainsboro, Esq.
Chairman

ITALIAN AMERICAN WAR VETERANS OF U.S. INC. MARLBOROUGH POST #45.
111 NEIL STREET
MARLBOROUGH, MA 01752
LICENSE#: 066200043
HEARD: 08/23/2011

Italian American War Veterans of U.S. Inc. Marlborough Post #45 (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws Chapter 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, August 23, 2011, regarding an alleged violation of 204 CMR 2.05 (1) and 204 CMR 2.05 (2). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad M. Doyle's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Brad M. Doyle's Report.

There is one (1) tape of this hearing.

FACTS

1. On Wednesday, April 13, 2011 at approximately 4:45 p.m., Investigators Hooton and Doyle investigated the business operation of the Italian American War Veterans of U.S. Inc. Marlborough Post #45 in response to a complaint of gambling on the premises.
2. They informed the bartender, Mr. Padula that they were going to conduct an inspection of the bar area.
3. During this inspection, Investigators noticed a blue one (1) gallon pitcher with sixteen (16) slips in it.
4. These slips indicated they were a voucher for points or tickets.
5. These slips were dated 4/13/2011 and some of the slips had numbers on them.
6. The bartender indicated that the slips were printouts from the poker machines.
7. Investigator Hooton asked Mr. Padula, "Do you pay out on the winnings from machines?" Mr. Padula stated, "Yes, we do."
8. Investigators asked Mr. Padula who was in charge of the machines.
9. Mr. Padula stated that Richard MacIver, the Quartermaster, was in charge of the machines.
10. Mr. Padula called MacIver at approximately 5:00 p.m. and asked him to come to the club.


11. Further inspection showed that the club had eight (8) automatic amusement devices (7-Champion Poker and 1-Fruit Bonus).
12. Investigators spoke with Charles Digou, who identified himself as a trustee of the club.
13. Mr. Digou stated that the club does pay out winnings on the machines.
14. At approximately 6:15 p.m., Mr. MacIver arrived at the club.
15. Mr. MacIver stated the club does pay out for winnings on the machines.
16. Mr. MacIver stated the machines were owned by R + K vending.
17. Mr. MacIver also stated that someone from the vending company comes every Wednesday and the profits from the machines are split 50/50 between the vending company and the club.
18. Mr. MacIver stated he deals with the vending company and did not have keys to the machines.
19. Investigators inspected the machines and observed that they had several characteristics, which they know based on their training and experience, to be indicators that the machines are utilized as gambling devices.
 - The machines accepted dollar bills ranging from one (1) dollar to twenty (20) dollars
 - The machines had markings "for amusement only"
 - All machines had a "knock-off" mechanism to reset the credits to zero (0) in the form of a button on the front of the machine labeled, "Ticket," "Print" or "Redeem"
20. Investigators spoke to the night bartender (Bob Labossiere).
21. Mr. Labossiere stated that individuals would be paid from the cash register after submitting ticket vouchers to the bartender.
22. The administrative file indicates that the licensee been in existence since 1962 and has had no prior violations.

CONCLUSION

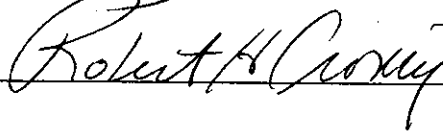
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1) and 204 CMR 2.05 (2). The licensee has no prior violations. Therefore, the Commission **suspends the license for a period of five (5) days of which two (2) days will be served and three (3) days will be held in abeyance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



Dated: September 19, 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
Administration
File