



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

AMENDED
NOTICE OF SUSPENSION

May 22, 2014

NATICK POST #1274 V.F.W. OF THE U.S. INC.
113 WEST CENTRAL ST.
NATICK, MA 01760
LICENSE#: 076800008
VIOLATION DATE: 12/27/2013
HEARD: 05/06/2014

After a hearing on May 6, 2014, the Commission finds Natick Post #1274 V.F.W. of the U.S. Inc. in violation of 204 CMR 2.05 (1): Permitting Gambling.

The Commission **suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, July 9, 2014, and terminate on Sunday, July 13, 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 Monday, July 14, 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
Mark Kenny, Investigator
Quincy Police Officer Tara Kelleher
Administration
File

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NOTICE OF SUSPENSION

May 21, 2014

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DECISION

NATICK POST #1274 V.F.W. OF THE U.S. INC.
113 WEST CENTRAL ST.
NATICK, MA 01760
LICENSE#: 076800008
VIOLATION DATE: 12/27/2013
HEARD: 05/06/2014

Natick Post #1274 V.F.W. of the U.S. 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 6, 2014, regarding an alleged violation of violated 204 CMR 2.05 (1): Permitting Gambling. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kelleher's Report.

The following documents are in evidence:

1. Investigator Kelleher's Violation Report dated January 27, 2014;
2. Licensee's Stipulation of Facts;
3. Two Photos of Raw 80 Poker Machine; and
4. Three Photos of Super 8 Lines Machine.

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

FACTS

1. On Friday, December 27, 2013, at approximately 1:00 p. m., Investigators Kenny and Kelleher conducted an investigation of the business operation of Natick Post #1274 V.F.W. of the U.S. 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, Anita Sherman.
3. Investigators conducted an inspection of the premises where they observed six electronic video devices, directly next to the bar behind a closed door.
4. Investigators interviewed Ms. Sherman who stated, "They tell me to say they don't pay out, but I can't lie, they do." She further stated that the machines were leased from Able Vending, and that the "payout is done by subtracting the two metered numbers from one another and dividing that number by 4, that tells you how much money to give. There are in and out numbers, each number is worth a quarter or point, you get 4 points for every dollar you play."
5. Ms. Sherman further advised that the "club doesn't make a ton of money from the machines; they take in approximately \$800.00 to \$1,000.00 a week, after the 40% share is given to Able

Vending.” She advised that they tally the numbers in a ledger once a week, then “get rid of it” after Able Vending “picks up their share.”

6. Investigators conducted an audit of the illegal gaming machines. 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 electronic switches to set odds.
 - Each device had two meters to record credits in and credits out.
 - 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 screw, or a red push button on the side of the machine, or of a ticket button on the front console, which when pressed, reset the winning credits to zero.
7. Investigators recorded the following information relative to the meters located within each device:
 - Device #1 named “Monkey Business” showed meter in: 59765 and meter out: 11183.
 - Device #2 named “Crazy Bugs” showed meter in: 810397 and meter out: 085653.
 - Device #3 named “Cray Witch” showed meter in: 318572 and meter out: 190522.
 - Device #4 named “Crazy Bugs” showed meter in: 761865 and meter out: 487404.
 - Device #5 named “Cherry Eight” showed meter in: 477505 and meter out: 487404.
 - Device #6 named “Raw 80 Poker” showed meter in: 951043 and meter out: 122012.
8. Investigator Kenny inserted one U.S. dollar into each machine, which registered four credits and resulted in the “in” number increasing by four. He did not win any of the games, which, therefore, did not result in a change of the “out-number meter” inside the machines.
9. Investigator Kenny observed that the machines made a “clicking noise” when money was inserted into the electronic currency reader. Based on his training and experience, Investigator Kenny recognized this as an indication that the machines were used as illegal gaming devices.
10. Investigators advised Ms. Sherman of the violation and that a report would be submitted to the Chief Investigator for further action.

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 ten (10) days of which five (5) days will be served and 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.

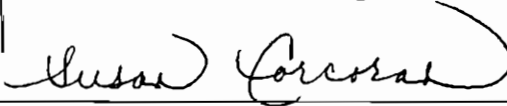
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



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

Susan Corcoran, Commissioner



Dated: May 21, 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
Mark Kenny, Investigator
Quincy Police Officer Tara Kelleher
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