



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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**THE WHALING CITY CLUB**  
**447 BELLEVILLE AVE**  
**NEW BEDFORD, MA 02746**  
**LICENSE#: 077800040**  
**HEARD: 08/07/2012**

The Whaling City Club (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, August 7, 2012, 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. Licensee's Stipulation of Facts;
2. Investigator Teehan's Investigative Report dated February 29, 2012; and
3. Copy of Receipt.

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

FACTS

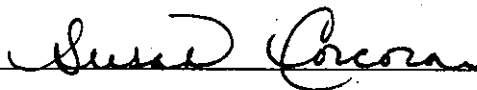
1. On Wednesday, February 29, 2012, at approximately 11:45 p.m., Investigators Kenny and Teehan conducted an investigation of the business operation of The Whaling City Club in response to a complaint filed with this agency.
2. Investigators identified themselves to the bartender on duty, Mr. Benbinda Tavares, and informed him of the complaint and investigation.
3. Investigators observed one (1) automatic amusement device in the bar area.
4. Investigator Teehan placed one (1) dollar in United States currency into the device and made a bet.
5. Investigator Teehan printed out the receipt and observed the points reset.
6. Mr. Tavares stated that the licensee does payoff for winnings on the automatic amusement devices.
7. Mr. Tavares stated that when an individual completed play and printed a ticket from the machine, they would hand it to the bartender on duty. The bartender on duty collected the receipt in an envelope.
8. Mr. Tavares further stated that the vending company, Shen Communications, comes once a week and reimburses the licensee for the payoff winnings from the tickets.
9. Investigators informed Mr. Tavares of the violations and that a report would be submitted to the Chief Investigator for further action.

CONCLUSION

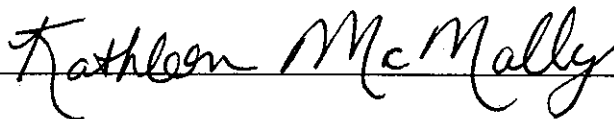
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1): Permitting Gambling. Therefore, the Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



DATE: August 8, 2012

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  
John Creedon, Esq. via facsimile  
Administration  
File