



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

DECISION

**ST. JOSEPH'S POLISH CLUB INC.
18 COMMERCIAL STREET
PALMER, MA 01079
LICENSE#: 00005-CL-0948
VIOLATION DATE: 6/24/2021
HEARD: 11/16/2021**

St. Joseph's Polish Club Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, November 16, 2021, regarding an alleged violation of 204 CMR 2.05 (1) Permitting Gambling. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Gould's Report.

The following documents are in evidence:

1. Investigator Gould's Investigative Report;
2. ABCC Form 43, License Approval 12/16/1963;
3. Photos (3) of the Interior of the Licensed Premises;
4. ABCC Notice of Decision, 3/12/2001;
5. ABCC Decision, 12/7/1992;
6. ABCC Warning, 10/26/1977;
7. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, June 24, 2021, at approximately 7:15 p.m., Investigators Kujawski and Gould ("Investigators"), conducted an inspection of the business operation of St. Joseph's Polish Club Inc. to determine the manner in which its business was being conducted and to investigate a complaint filed with this Commission.
2. Investigators entered the licensed premises, identified themselves to the bartender on duty, Molly McAda, and informed her of the complaint. Investigators asked Ms. McAda about the poker machines and she pointed Investigators to a room next to the bar area.
3. Investigators entered the side room and observed two (2) electronic video devices against the right wall. Both machines were marked across the top, "Massachusetts Skill Touch."

4. Ms. McAda stated to Investigators that the bar pays out U.S. Currency to individuals who win on the electronic video devices. Once an individual is finished playing, the patron hands a printed receipt from the video game to the bartender and the receipts are placed in a teller's envelope under the counter. Ms. McAda stated that the following day, money is in the envelope and the receipt is gone. The individual comes to the bar to receive the payout in the form of U.S. Currency.
5. Investigators then spoke with the manager of record, Steve Kosminder, who arrived at the licensed premises after the Investigators' arrival. Mr. Kosminder stated to Investigators that the club pays out U.S. Currency to individuals who win on the electronic video devices. Mr. Kosminder stated that the club splits the profits, 60% net revenue to the club and 40% to the vendor, B&S.
6. Investigators conducted an audit of the devices. They observed that the electronic video devices had the following characteristics which, based on their training and experience, indicated the devices were being used for illegal gambling:
 - Each device accepted U.S. Currency from \$1, \$5, \$10, \$20, and \$100;
 - Each device had a "knock off" mechanism in the form of a ticket button on the front console or a push button on the back of the machine that reset the winning credit to zero;
 - After inserting US Currency into the device, Investigators were allowed to select of 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.
7. Investigator Gould placed a dollar bill into the video poker device which registered the bet. He then pressed the payout button ("knock off" switch) which generated a printed receipt and reset the number of credits on the front console to zero.
8. Investigators requested Mr. Kosminder open both machines. One machine contained \$141.00 in U.S. Currency and the other machine contained no currency. Mr. Kosminder stated that he returns to the premises every evening and removes any currency from each machine.
9. Investigators informed Ms. McAda and Mr. Kosminder of the violation and that a report would be filed with the Chief Investigator for review.
10. Mr. Kosminder appeared before the Commission. He clarified the payouts, as being 60% paid to the patron and 40% split between the Licensee and B&S. Mr. Kosminder stated that they decided to try out the machines with the pandemic and see if it would help business.
11. The Licensee has held a license under M.G.L. c. 138, § 12 since December 16, 1963.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (1): Permitting gambling on Licensed Premises. Therefore, the Commission suspends the license for five (5) days which 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, any automatic amusement devices or video poker machines which the Licensee possesses shall not be used for gaming purposes.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner

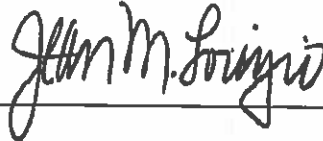


Crystal Matthews, Commissioner



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

Jean M. Lorizio, Chairman



Dated: May 27, 2022

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Brian Gould, Investigator
Jan Kujawski, Investigator
Administration, File