

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

December 19, 2014

PITTSFIELD HOME PLATE INC.
751 EAST STREET
PITTSFIELD, MA 01201
LICENSE#: 097400016
VIOLATION DATE: 05/31/2014
HEARD: 12/17/2014

After a hearing on December 17, 2014, the Commission finds Pittsfield Home Plate 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, February 4, 2014 and terminate on Thursday, February 5, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 4, 2014 at 9:00 A.M. It will be returned to the licensee on Friday, February 6, 2014.

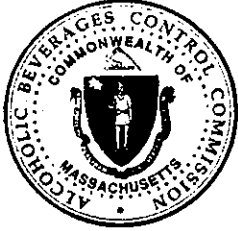
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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



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

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DECISION

PITTSFIELD HOME PLATE INC.
751 EAST STREET
PITTSFIELD, MA 01201
LICENSE#: 097400016
VIOLATION DATE: 05/31/2014
HEARD: 12/17/2014

Pittsfield Home Plate Inc. (the "Licensee") holds an alcohol beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Wednesday, December 17, 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 Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Temple's Investigative Report dated May 31, 2014.

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

FACTS

1. On Saturday, May 31, 2014 at approximately 12:00 a.m., Chief Investigator Mahony and Investigator Temple, accompanied by the Pittsfield Police Department, Pittsfield Probation, and Pittsfield Fire Department entered the above mentioned licensed premises in order to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and identified themselves as the Investigators with the ABCC to the bartender on duty, later identified as Paul Janross.
3. Investigators informed the bartender that they would be conducting an inspection of the licensed premises.
4. To the left of the bar, Investigators observed two electronic video devices name El Dorado. The devices had a paper taped to them that read out of order and were unplugged from the wall. The devices contained the following characteristics, which based on Investigators' training and experience, are known to be indications that the devices are utilized as gambling devices:
 - Each device accepted dollar bills ranging from \$1, \$5, \$10 and \$20.
 - The capability to double a bet by selecting the double up button.
 - A "knock off" mechanism which reset the credits to zero and created a ticking sound.
5. Investigators placed \$1 bill of U.S. currency into each machine and observed 4 credits displayed on the screen. After inserting money into the machine, Investigators selected 1 credit (the amount

they wanted to bet). The machine "registered" the bet by displacing 1 credit selected and 3 credits remaining.

6. Mr. Janross provided Investigators with the following information regarding the electronic video devices:
 - He records the number of credits that a player accrues on a piece of paper and leaves it behind the bar attached to a magnet and the owner takes care of the payment.
 - He resets the devices after that with a clicker (a car key chain and garage door opener).
 - He did not know who owns the machines.
7. Investigators used the clickers on the devices and were able to initiate the "knock off button" mechanism which reset the credits to zero and created a ticking sound.
8. Investigators informed Mr. Janross of the violation and that a violation report would be submitted to the Chief Investigator for review.
9. A joint inspection was conducted by Joseph M. Carchedi, an Inspector from the Pittsfield Fire Department, who also found the following violation – 527 CMR 10.09 (5) (c) exit signs.

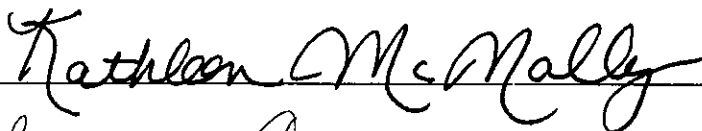
CONCLUSION

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.**

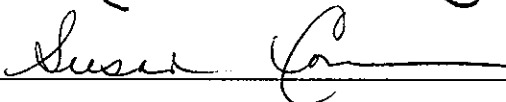
In addition, the licensee must not possess in or on the licensed premises any automatic amusement devices or video poker machines.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: December 19, 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
Christopher Temple, Investigator
Administration
File