



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 17, 2024

**CHRISTOFORO COLUMBO CLUB INC.
5 SAVERYS AVENUE
PLYMOUTH, MA 02360
LICENSE#: 00032-CL-0984
VIOLATION DATE: 10/19/2022
HEARD: 4/04/2023**

After a hearing on April 4, 2023, the Commission finds Christoforo Columbo Club Inc. violated:

- 1) 204 CMR 2.05 (1): Permitting Gambling;
- 2) 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: M.G.L. C. 140 § 177A (6) No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

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 are found by this Commission.

The suspension shall commence on Monday, November 4, 2024, and terminate on Tuesday November 5, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, November 4, 2024, at 9:00 A.M. It will be returned to the licensee on November 6, 2024.

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 which must be signed by the Licensee and 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



Jean M. Lorizio
Chairman

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2023-000014-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Alicia Cutter, Investigator
John David, Investigator
Dennis Keefe, Investigator
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

CHRISTOFORO COLUMBO CLUB INC.
5 SAVERYS AVENUE
PLYMOUTH, MA 02360
LICENSE#: 00032-CL-0984
VIOLATION DATE: 10/19/2022
HEARD: 4/04/2023

Christoforo Columbo Club 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 remote hearing via Microsoft Teams on Tuesday, April 4, 2023, regarding alleged violations of:

- 1) 204 CMR 2.05 (1): Permitting Gambling;
- 2) 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: M.G.L. C. 140 § 177A (6) No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

The above captioned occurred on Wednesday, October 19, 2022, according to Investigator Cutter's Report. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Cutter's report

The following documents are in evidence:

1. Investigator Cutter's Report;
2. ABCC Form 43, New Seasonal License Approval, 9/3/1975;
3. ABCC Form 43, New Annual License Approval, 1/30/1976
4. Investigative Photograph;
5. ABCC Decision, 12/7/2020;
6. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Wednesday, October 19, 2022, at approximately 3:55 p.m., Investigators David, Keefe, and Cutter ("Investigators") inspected the business operation of Christoforo Columbo Club Inc.
2. Investigator Keefe identified himself to a male individual who identified himself as Jack Lynch and stated he was the bartender of the club.
3. Investigators inspected the bar area where they observed the following:
 - a. a wooden cash drawer containing U.S. currency located beneath the cash register; and
 - b. numerous printed shift reconciliation envelopes, sized 4 1/8" x 9 1/2", with blank spaces for information to be recorded. The information to be recorded was labelled Name, Day & Date, Shift, and Machine Numbers 1 through 4 with blank spaces for the following: Coin, Hit, the letter F with two blank lines next to it, and the letter S with two blank lines next to it.
4. Investigators observed four (4) video poker devices, numbered 1 through 4, located along a wall in the main room of the licensed premises.
5. Based on their training and experience, the envelopes and characteristics of the machines led Investigators to believe the machines were being utilized as gambling devices.
6. Investigators identified themselves to Mark Greenberg, who stated he was the Treasurer of the club. Mr. Greenberg confirmed to Investigators the electronic video devices were utilized for gambling.
7. Mr. Greenberg stated to Investigators that:
 - a. the wooden cash drawer located below the cash register contained \$1,240 in US currency which was used to pay off individuals who won games on the video poker devices;
 - b. the club owns the video poker devices;
 - c. four (4) points is equivalent to \$1.00;
 - d. individuals that win points on the video poker devices notify the bartender who looks at the points, pays them their winnings in U.S. currency from the above-mentioned cash drawer and resets the machine.
 - e. the U.S. currency and reconciliation envelopes are related to the making and recording of video poker device payoffs;
 - f. the bartender has keys to the video poker devices and maintains a daily log which is thrown away at the end of the day;
8. Investigators interviewed Mr. Lynch who stated at the end of each shift, the bartender records the daily video poker device payoffs on the printed shift reconciliation envelopes; takes the numbers from the machines and enters them on the lines in and lines out on the sheet; and the bartender cleans these out twice a day at the end of each bar shift. Typical shifts run from 12:00 p.m. to 5:00 p.m. and from 5:00 p.m. to 9:00 p.m.

9. Investigators inspected the machines and observed the video poker devices had several characteristics which, based on their training and experience, indicated to Investigators that the machines were being utilized as gambling devices:
- Each accepted U. S. Currency in bills ranging from \$1, \$5, \$10, and \$20;
 - Each device had a "knock off" mechanism, a button on the back of the device, to reset the credits to zero;
10. Investigators asked Mr. Lynch to provide the key to open the devices.
11. Investigators then opened and inspected the devices. They observed each device had:
- two meters to record credits in and credits out;
 - back-up batteries;
 - a double up option;
 - a plastic bucket containing various amounts of U.S. currency: device#1 had \$125; device#2 – \$265; device#3 – \$115; device#4 – \$65.
12. Investigators informed Mr. Lynch and Mr. Greenburg of the violations and advised them a report would be submitted to the Chief Investigator for further review.
13. John Walker, Manager of Record, appeared at the Commission hearing. Mr. Walker testified the machines are still physically in the club, as the club owns them, however use of the machines has ceased. Mr. Walker confirmed the machines will not be put back into use.

CONCLUSION

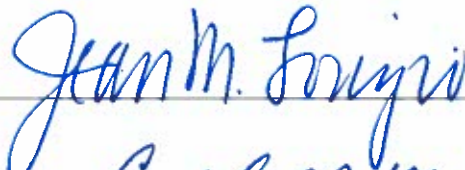
Based on the evidence, the Commission finds the Licensee violated:

- 1) 204 CMR 2.05 (1): Permitting Gambling;
- 2) 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: M.G.L. C. 140 § 177A (6) No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

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 are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner

Deborah A. Baglio

Dated: September 17, 2024

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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