

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

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

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

NOTICE OF SUSPENSION

December 9, 2015

**JOHN ALDEN SPORTSMAN CLUB INC.**  
**OFF BEAVER DAM RD. / P.O. BOX 232**  
**PLYMOUTH, MA 02360**  
**LICENSE#: 098400024**  
**VIOLATION DATE: 06/11/2015**  
**HEARD: 12/08/2015**

After a hearing on December 8, 2015, the Commission finds John Alden Sportsman 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.

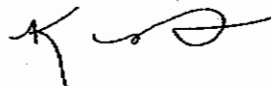
The Commission **suspends the license for five (5) days of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the Licensee must not possess in or on the licensed premises any automatic amusement devices or video poker machines.**

The suspension shall commence on Wednesday, January 27, 2016, and terminate on Thursday, January 28, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 27, 2016 at 9:00 A.M. It will be returned to the Licensee Friday, January 29, 2016.

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.

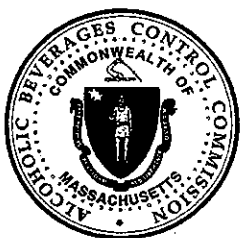
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**



Kim S. Gainsboro  
Chairman

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Dennis Keefe, Investigator  
Christopher Temple, Investigator  
Thomas E. Giblin, Esq. via email  
Mail to: POBOX 232, Manomet 02345  
Administration  
File



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**DECISION**

**JOHN ALDEN SPORTSMAN CLUB INC.**  
**OFF BEAVER DAM RD. / P.O. BOX 232**  
**PLYMOUTH, MA 02360**  
**LICENSE#: 098400024**  
**VIOLATION DATE: 06/11/2015**  
**HEARD: 12/08/2015**

John Alden Sportsman 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 hearing on Tuesday, December 8, 2015, 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.

Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Keefe's report.

The following documents are in evidence:

1. Investigator Keefe's Report dated June 11, 2015; and
2. Licensee's Stipulation of Facts.

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

The Commission took administrative notice of the Licensee's file.

## FACTS

1. On Thursday, June 11, 2015, at approximately 5:25 p.m., Investigators Temple, Carey, and Keefe ("Investigators") conducted an investigation of the business operation of John Alden Sportsman Club Inc. to determine the manner in which the business was being conducted.
2. Investigators entered the licensed premises, identified themselves to the manager on duty, Mike Dicecca, and informed him of the inspection.
3. Investigators located a grey cash box behind the bar, which contained three slips of paper with handwritten markings. The markings on the slips indicated the date, point total, dollar amount, and which device it represented.
4. Mr. Dicecca identified the slips to Investigators, and stated that the club paid cash for winnings on the electronic video devices. The slips were used to keep track of the money paid out.
5. Investigators asked how the gambling process worked.
6. Mr. Dicecca stated that players put cash in the electronic video devices to accumulate points. Once a player wanted to cash out, s/he would notify Mr. Dicecca.
7. Mr. Dicecca would then examine one of the six meters located behind the bar. Each meter is connected by cables to the machines in the gambling room. The meter indicated the points won on the corresponding electronic video device.
8. Mr. Dicecca would complete a slip for the machine, pay the player, and reset the device by pressing a button on the meter behind the bar.
9. When Investigators asked Mr. Dicecca to open the electronic video devices, he stated that he had already removed from each machine the money from yesterday's winnings. He stated the winnings totaled \$400.00.
10. Investigators took inventory of the electronic video devices:

➤ Machine #1 (Cherry 8s)	\$20
➤ Machine #2 (Magical Odds)	\$281
➤ Machine #3	\$0
➤ Machine #4	\$0
➤ Machine #5	\$437
➤ Machine #6	\$0
11. Investigators inspected the devices and observed that electronic video devices had several characteristics, which based on their training and experience, they know to be indications that the devices were being utilized as gambling devices.

➤ Each device accepted dollar bills ranging from \$1, \$5, \$10, \$20.
➤ Each device had a "knock off" mechanism in the form of a button wired from the device to the meters behind the bar, which when pressed, reset the winning credits to zero.
➤ Each device had displays of odds indicators.
12. Investigator Keefe placed \$1 inserted one U.S. dollar into one of the electronic video devices, and registered one bet, leaving three credits remaining.

13. Investigator Temple then used the knock-off button on the corresponding meter to reset the electronic video device used by Investigator Keefe, and observed the credits reset to zero.
14. Investigators informed Mr. Dicecca of the above violation and that a report would be filed with the Chief Investigator for review.
15. Administrative review of the Commission records indicates that the Licensee has been operating for 46 years without any previous violations.

### CONCLUSION

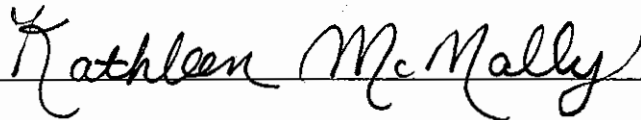
Based on the evidence, the Commission finds the Licensee violated:

- 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.

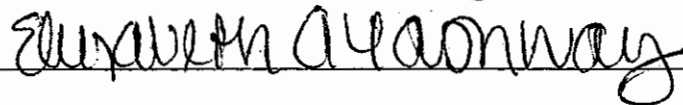
Therefore, the Commission **suspends the license for five (5) days of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the Licensee must not possess in or on the licensed premises any automatic amusement devices or video poker machines.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: December 9, 2015

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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Mail to: POBOX 232, Manomet 02345  
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