

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

Upland Sportsman's Club, Inc.
67 Upland Road
Plympton, MA 02367
License#: 098600001
Heard: March 8, 2011

Upland Sportsman's Club Inc. (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 8, 2011, regarding an alleged violation of 204 CMR 2.05 (1). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Michael Teehan's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Michael Teehan's Report dated November 10, 2010;
3. Points to Dollars Conversion Chart; and
4. Photocopy of Pull Tab Gaming Tickets.

A. Mitigation Packet including a Letter of Support by the Board of Selectman, the Chief of Police, and Documentation of Charitable Activities.

FACTS

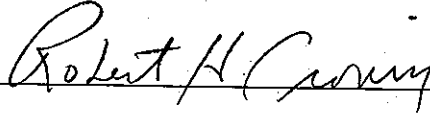
1. On Friday October 22, 2010, Commission Investigators Kenny and Teehan observed the business operation of the Upland Sportsman Club, Inc.
2. Upon entering the bar, the investigators noticed seven (7) poker machines on the licensed premises.
3. The investigators observed a conversion chart in plain view.
4. The manager of record told the investigators the club paid off for winning on the electronic video devices.
5. The investigators also observed pull-tabs that were not issued by the Massachusetts State Lottery
6. The manager of record testified to the Commission that the machines were removed from the premises.
7. Administrative review of the file indicates this was the first violation by the licensee in fifty-four (54) years of existence.

CONCLUSION

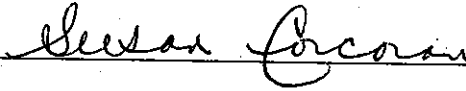
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1). As the licensee has been in business for fifty-four (54) years and had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner



Susan Corcoran, Commissioner



Dated: April 14, 2011

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
File