



**Jean M. Lorizio, Esq.**  
*Chairman*

*Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
**Alcoholic Beverages Control Commission**  
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## **DECISION**

**UPLAND SPORTSMAN'S CLUB INC.**  
**67 UPLAND ROAD**  
**PLYMPTON, MA 02367**  
**LICENSE# 0986-00001**  
**VIOLATION DATE: 6/20/2018**  
**HEARD: 8/28/2018**

Upland Sportsman's 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, August 28, 2018, 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 Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report;
2. Licensee's Stipulation of Facts; and
3. Betting Slips.

The Commission took Administrative Notice of the Licensee's Commission files.

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

## **FINDINGS OF FACT**

1. On Wednesday, June 20, 2018, at approximately 12:45 p.m., Investigators Kenny and Teehan ("Investigators"), conducted an investigation of the business operation of Upland Sportsman's Club Inc. to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed four (4) electronic video devices located in a room near the bar area. Investigators identified themselves to an employee of the club, Bruce Conant.
3. Mr. Conant stated to Investigators that the bar does pay out U.S. Currency to individuals who win on the electronic video devices. Once an individual finished playing, that person provided the bartender with a printed receipt from the video gaming device. The bartender then paid the individual in U.S. Currency from a cash register drawer box located behind the bar in a storage room.

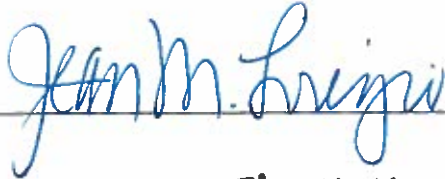
4. While still on the premises, Investigator Teehan spoke via telephone with the manager of record, Mike Murphy. Murphy stated that the club does pay out in U.S. Currency to individuals who win on the electronic video devices. Murphy stated to Investigators that the machines are owned by Able Vending. The split is 60% net revenue for the club and 40% net revenue for the vendor.
5. Investigators conducted an audit of the devices. They observed that the electronic video device had the following characteristics which, based on their training and experience, indicated the device was being used for illegal gambling:
  - Device accepted U.S. Currency in bills ranging from \$1, \$5, \$10, \$20, and \$100;
  - Device had the capability to select the number of points (the amount to bet);
  - Device registered the bet by displaying the number of points selected;
  - Device had the capability to double up the bet;
  - Device had a "knock off" button in the form of a ticket button on the front console of the device, which, when pressed, reset the credits earned to zero.
6. Investigator Kenny placed a dollar bill into the video poker device which proceeded to register the bet. Kenny then pressed the ticket button "knock-off switch" which reset the credits to zero and printed a receipt.
7. Investigators informed Mr. Conant and Mr. Murphy of the violation and that a report would be filed with the Chief Investigator for further review.

#### 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 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

Jean M. Lorzio, Chairman



Elizabeth A. Lashway, Commissioner



Dated: August 29, 2018

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  
Michael Teehan, Investigator  
Mark Kenny, Investigator  
Administration, File