



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

Steven Grossman
Treasurer and Receiver General

Kim L. Gainsboro, Esq.
Chairman

DECISION

DAVID LIGHTBODY DBA THE BOULEVARD BAR & GRILLE
320 REVERE BEACH BLVD
REVERE, MA 02151
LICENSE#: 102200109
VIOLATION DATE: 03/27/2013
HEARD: 01/21/2014

David Lightbody dba The Boulevard Bar & Grille (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, January 21, 2014, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 140 § 177A (5) Automatic Amusement devices licensed under this section shall be so installed on the premises described in the license as to be in open view at all times while in operation, and shall at all times be available for inspection. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Violation Report dated March 27, 2013;
2. Five (5) Photos Depicting Automatic Amusement Devices; and
3. Licensee's Stipulation of Facts.
 - A. Photo of Room with Doors Closed;
 - B. Photo of Room with Doors Removed; and
 - C. Second Photo of Room with Doors Removed.

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

FACTS

1. On Wednesday, March 27, 2013, at approximately 7:15 p.m., Investigators Teehan, Keefe, and Doyle conducted an investigation of the business operation David Lightbody dba The Boulevard Bar & Grille to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises, identified themselves to the bartender on duty, Cassandra Caruso, and informed Ms. Caruso that they would be conducting an inspection of the licensed premises.
3. Investigators observed an enclosed room to the right side of the premises with two doors which obstructed the view inside.
4. Investigators observed three automatic amusement devices labeled as:
 - o Machine #1 - Cherry 96
 - o Machine #2 - Fruit Bonus, 2nd Generation

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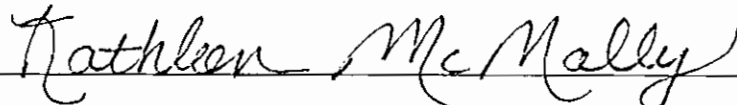
- o Machine #3 Phone Time Sweepstakes
- 5. Investigators inspected the devices and observed the following characteristics, which based on their training and experience, they know to be indications that the machines are utilized as gambling devices.
- 6. Investigators observed that Machine #1 and #2 contained the following characteristics:
 - o The video devices accepted dollar bills ranging from \$1, 5, 10, 20, 50, and 100;
 - o The capability to select the number of points (the amount to bet);
 - o The device registered the bet by displaying the number of points selected;
 - o The capability to double up the bet by selecting the double-up button;
 - o Each video device had markings that indicated "for amusement only";
 - o Each device had a "knock off" mechanism to reset the credits to zero by pushing a button on the left side at the back of the machine.
- 7. Investigators observed that Machine #3 was not turned on and it contained a bill acceptor for dollar bills ranging from \$1, 5, 10, 20, 50, and 100; and a double-up option.
- 8. Investigators informed Ms. Caruso that a violation report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 140 § 177A (5) Automatic Amusement devices licensed under this section shall be so installed on the premises described in the license as to be in open view at all times while in operation, and shall at all times be available for inspection. The licensee has removed the doors and stipulated to the violation. Therefore, the Commission **suspends the license for one (1) day of which one (1) day will be held in abeyance for a period of one (1) year provided no further violations of Chapter 138 or Commission Regulations occur.**

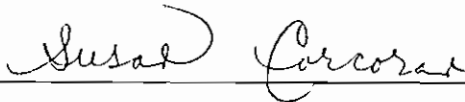
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision

Susan Corcoran, Commissioner



Dated: January 23, 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
Brad Doyle, Investigator
Michael Teehan, Investigator
Dennis Keefe, Investigator
Robert Allen, Esq. via fax 617-383-6001
Administration
File