



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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

September 8, 2011

JOSEPH LEON MOTTOLO POST #4524 V.F.W. U.S. INC
10 GAROFALO STREET
REVERE, MA 02151
LICENSE#: 102200023
HEARD: 07/19/2011

After a hearing on July 19, 2011, the Commission finds Joseph Leon MottoLO Post #4524 V.F.W. U.S. Inc. in violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2).

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, November 2, 2011 and terminate on Thursday, November 3, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 2, 2011 at 9:00 A.M. It will be returned to the licensee Friday, November 4, 2011.

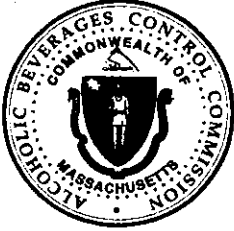
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino, Investigator
Administration
File



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

JOSEPH LEON MOTTOLO POST #4524 V.F.W. U.S. INC
10 GAROFALO STREET
REVERE, MA 02151
LICENSE#: 102200023
HEARD: 07/19/2011

Joseph Leon MottoLO Post #4524 V.F.W U.S. 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, July 19, 2011, regarding an alleged violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Caroline Guarino's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Caroline Guarino's Report.

There is one (1) tape of this hearing.

FACTS

1. On Thursday, May 12, 2011 at approximately 10:30a.m., Investigators Hooton and Guarino investigated the business operation of Joseph Leon MottoLO Post #4524 V.F.W U.S. Inc.
2. In the back room they found four (4) video poker machines.
3. Machine (1) Cherry Master, Machine (2) Top Draw, Machine (3) Fruit Bonus and Machine (4) Magical Odds. (Ex 1)
4. The investigators spoke with Commander of the Post, Dennis Mochella, the Accountant/Treasurer for the post, Alfonse Ambrosino and the bar manager John Ross.
5. All three (3) admitted that this club does pay off the patrons on the video poker machines at twenty five cents (\$0.25) per point.
6. They explained the customer prints out a receipt from the machine and gives it to the bartender for payment.
7. Mr. Ross gave the investigators the printed receipts from the two hundred and twenty four (224) payouts in cash that were issued to their patrons within the last year.
8. Mr. Ambrosino gave the investigators receipts containing information from the machines on the amount of monies made each month.
9. From January 2010 to December 2010 this entity made fourteen thousand nine hundred and ninety-five dollars (\$14,995.00).

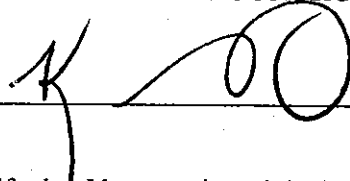
10. The accountant said he was in the process of filing a Federal Tax Return.
11. He further advised the investigators that this club claims all monies made with the IRS.
12. An administrative review of the file indicates that the licensee has been in existence for over sixty-five years and this is its first violation.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2). As the licensee has been in existence for 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 device or video poker machine.**

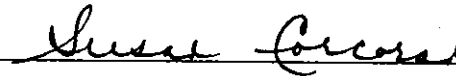
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



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

Susan Corcoran, Commissioner



Dated: September 8, 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
Caroline Guarino, Investigator
Administration
File