



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

Steven Grossman
Treasurer and Receiver General

AMENDED
DECISION

Kim J. Gainsboro, Esq.
Chairman

REVERE LODGE LOYAL ORDER OF MOOSE #1272
470 BROADWAY
REVERE, MA 02151
LICENSE#: 102200015
VIOLATION DATE: 03/27/2013
HEARD: 06/25/2013

Revere Lodge Loyal Order of Moose #1272 (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, June 25, 2013, regarding alleged violations of:

- 1) 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 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.
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 271 §17 Keeping a building or room, or any part thereof, with apparatus, books or any device, for registering bets, upon the result of machine; knowingly permitting the same to be used or occupied for such purpose; knowingly permitting to be therein kept, exhibited, used or employed, any device or apparatus for registering such bets.
- 3) 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.
- 4) 204 CMR 2.05(1) – Permitting Gambling.

Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Teehan's Report.

The following documents are in evidence as exhibits:

1. Licensee's Stipulation of Facts;
2. Investigator Teehan's Investigative Report dated March 1, 2013;
3. Blue Notebook found in Safe;
4. Slush Fund Records;
5. Two Envelopes of Money;
6. Photo of Machine named Magical Odds;
7. Photo of Machine named Cherry;

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8. Photo of Buttons on the Machine ;
9. Photo of Machine named Draw Poker;
10. Photo of Buttons on the Machine;
11. Photo of Cash Slot on a Machine;
12. Photo of Cash Slot on a Machine;
13. Photo of the Machine Cherry Master;
14. Photo of the Machine Turbo Poker II;

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

FACTS

1. On Friday, March 1, 2013, at approximately 2:20 p.m., Chief Investigator Mahony, along with Investigators Doyle, Velez, and Teehan, investigated the business operation of Revere Lodge Loyal Order of Moose #1272 to determine the manner in which their business was being conducted.
2. Upon entering the licensed premises, investigators identified themselves to the manager on duty, Giovanna Fiore, and informed her that they would conduct an investigation.
3. Chief Investigator Mahony asked Ms. Fiore to open a locked door that was adjacent to the bar. Inside, investigators observed five electronic video devices that were numbered one through five.
4. Investigators observed two envelopes in plain view behind the bar. The envelopes had writing on the outside which indicated a name and the amount of US Currency inside the envelope.
5. Upon interview by investigators, Ms. Fiore stated that the club paid out US Currency to individuals who won on the electronic video devices.
6. In the office located next to the bar, investigators observed a large locked safe.
7. At the request of investigators, Ms. Fiore contacted the club officer who had the combination. That individual arrived at the licensed premises a short time later, and opened the safe.
8. Investigators found the following documents inside the safe:
 - A blue notebook with multiple hand written entries which identified day, date, and electronic device number, along with four separate columns which read In; Cash: Hit; and Out. Next to each device number were written readings of meter in, cash, hit, readings of meter out.
 - The "slush fund" identified that date, balance start, name, and dollar amount won.
9. Based on their training and experience, investigators determined that the devices were being utilized as gambling devices.
10. The licensee provided investigators with the keys to conduct an audit of the devices.
11. Investigators made the following observations of the electronic devices:
 - Each device accepted dollar bills ranging from \$1, \$5, \$10, \$20, \$50 and \$100.

- Each device had a “knock off” mechanism in the form of a push button on the back of the machine or of a ticket button on the front console, which when pressed, reset the winning credits to zero.
- Each device had electronic switches to set odds.
- Each device had two meters to record credits in and credits out.
- After inserting US currency into the device, investigators selected the number of credits (the amount to bet). The device “registered” the bet by displaying the number of credits selected.
- Each device was marked double up, and allowed a player to double the amount of the bet.

12. Investigators recorded the following information relative to the meters located within each device:

- Device #1 named “Cherry Master” showed meter in: 142008 and meter out: 81415.
- Device #2 named “Turbo Poker II” showed meter in: 783263 and meter out: 581232.
- Device #3 named “Magical Odds” showed meter in: 126379 and meter out: 181375.
- Device #4 named “Draw Poker” showed meter in: 414270 and meter out: 809478.
- Device #5 named “Cherry” showed meter in: 781064 and meter out: 454174.

13. Investigators informed Ms. Fiore of the violation and that a report would be filed with the Commission.

CONCLUSION

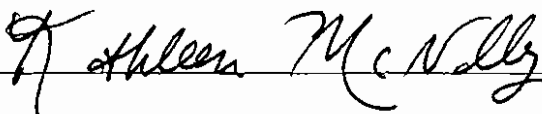
Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 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.
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 271 §17 Keeping a building or room, or any part thereof, with apparatus, books or any device, for registering bets, upon the result of machine; knowingly permitting the same to be used or occupied for such purpose; knowingly permitting to be therein kept, exhibited, used or employed, any device or apparatus for registering such bets.
- 3) 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.
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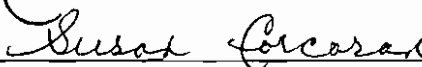
Therefore, the Commission suspends the license for six (6) days, of which six (6) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the licensee must not possess in or on the licensed premises any video poker machines.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



DATE: July 10, 2013

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
Dennis Keefe, Investigator
Michael Teehan, Investigator
Brad Doyle, Investigator
Administration
File