



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

SPEAKEASY, INC DBA SPEAKEASY
118-20 BROADWAY
REVERE, MA 02151
LICENSE#: 102200019
VIOLATION DATE: 03/25/2013
HEARD: 11/19/2013

Speakeasy, Inc. dba Speakeasy (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, November 19, 2013, regarding an alleged violation of 204 CMR 2.05 (2), to wit: M.G.L. c. 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 Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report dated March 25, 2013;
2. Licensee's Stipulation of Facts;
3. Photo of Closed Door Marked, "Employees Only"; and
4. Sign Listing Prizes for Points Earned.

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

FACTS

1. On Monday, March 25, 2013, at approximately 4:20 p.m., Investigators Keefe and Teehan conducted an investigation of the business operation Speakeasy, Inc. dba Speakeasy.
2. Investigators observed electronic video devices which were located in an enclosed room next to the bar area. The devices were behind a closed door with signage indicating, "Employees Only."
3. At approximately 4:20 p.m., investigators observed a male individual exit the closed room and proceed to the bar.
4. Investigators observed the female bartender on duty write something on a white piece of paper, then take US Currency from the draw beneath the cash register, and hand to the male individual a stack of US Currency.
5. On Wednesday, March 27, 2013, at approximately 5:30 p.m., Investigators Kenny, Velez and Guarino conducted an investigation of the business operation Speakeasy, Inc. dba Speakeasy.

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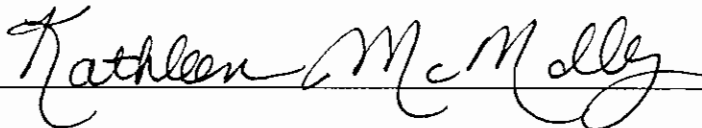
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6. Investigators entered the licensed premises and observed that there were no individuals in the establishment other than a female bartender on duty.
7. The attention of investigators was drawn to a room whose door was half-shut. The sign on the door read, "Employees Only." Investigators observed that this room contained electronic video devices.
8. Investigators inspected the premises and found several bank bags located behind the bar area. The bank bags contained large amounts of US Currency. No monies were confiscated.
9. Investigator Guarino asked the bartender why there were so many different bags containing US Currency. The bartender was very vague and stated that she likes to keep all the monies separate.
10. Investigators asked the bartender what she would do if a patron won points on the video poker machines. The bartender stated, "no one has ever won while I was here."
11. Investigators asked her again what she would do if someone told her they had won points on the machine. The bartender replied that she would call Charlie.
12. Investigators asked if Charlie was Charles Lightbody [president and director of Speakeasy, Inc.]. The bartender replied yes.
13. Investigators confiscated a paper sign which gave listed prizes won in relation to the number of points a patron accumulated.
14. Investigators informed the bartender on duty of the violation and that a report would be submitted to the Chief Investigator for review.

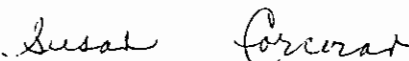
CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2), to wit: M.G.L. c. 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. As the licensee has been in business for twenty-two (22) years with no previous violations, and he has removed the door, the Commission issues a **WARNING**.

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: December 2, 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
 Michael Teehan, Investigator
 Dennis Keefe, Investigator
 Robert Allen, Esq. via fax 617-383-6001
 Administration
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