

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**STEFAN STARZYNSKI POST #55 POLISH LEGION AMERICAN VETERANS
9 DANIELS STREET
SALEM, MA 01970
LICENSE# 1064-00018
VIOLATION DATE: 6/06/2018
HEARD: 8/28/2018**

Stefan Starzynski Post #55 Polish Legion American Veterans (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 6, 2018, at approximately 1:20 p.m., Investigators Kenny and Teehan ("Investigators"), conducted an investigation of the business operation of Stefan Starzynski Post #55 Polish Legion American Veterans to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed two (2) electronic video devices in the bar area. Investigators identified themselves to the bartender on duty, Colleen Millea.
3. Ms. Millea stated to Investigators that the bar does pay out U.S. Currency to individuals who win on the electronic video devices. The payout is at a rate of ten cents per point.
4. Millea provided Investigators with several printed receipts, which indicated machine number, points, date and time, from the video devices.

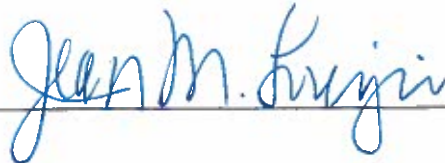
5. Millea stated that once an individual finishes playing, that person provides the bartender with the receipt and the bartender then pays out to the individual in U.S. Currency from a cash box located behind the bar. Investigators determined the cash box contained \$995 in U.S. Currency.
6. Investigators 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;
 - 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.
7. Investigators informed Ms. Millea of the violation and that a report would be filed with the Chief Investigator for further review.
8. Administrative review of the Licensee's file indicates Stefan Starzynski Post #55 Polish Legion American Veterans has held its license more than 50 years, and has had only one prior violation, which was about 30 years ago.

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 three (3) 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. Lorizio, 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
Jack Carey, Investigator
Administration, File