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Chairman

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

**DISABLED AMERICAN VETERANS OF W.W.
D/B/A CHAPTER #27 OF SOMERVILLE INC.
616 BROADWAY
SOMERVILLE, MA 02143
LICENSE#: 1130-00007
VIOLATION DATE: 5/12/2016
HEARD: 2/13/2018**

Disabled American Veterans of W.W. d/b/a Chapter #27 of Somerville Inc. (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, February 13, 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 violation alleged in Investigator Temple's Report.

The following exhibits are in evidence:

1. Investigator Temple's Investigative Report; and
2. Licensee's Stipulation of Facts.

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 Thursday, May 12, 2016, at approximately 12:51 p.m., Investigators Velez and Temple ("Investigators") investigated Disabled American Veterans of W.W. d/b/a Chapter #27 of Somerville Inc. to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed three electronic video devices to the left side of the entrance behind a wall. Two of the devices were occupied by male individuals playing the machines.
3. Investigators observed that the electronic video devices had the following characteristics which, based on their training and experience, indicated the devices were being used for illegal gambling:
 - Device was marked "for amusement only";

- 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 by selecting a double-up button;
 - Device had a “knock off” button in the form of a ticket button, which, when pressed, reset the credits earned to zero.
4. Electronic Gambling Device #1 was labeled Royal Flush 2500, and electronic devices #2 and #3 were each marked Royal Flush 5000.
 5. Investigators spoke to the manager of record, Paul Boyden, about the machines. Mr. Boyden stated that the club pays out twenty-five cents per point for winnings and showed Investigators where the money for the machines was stored.
 6. Boyden stated that the machines are owned by Four Star Vending but he was not sure how the profits from the machines were split between the club and vendor. Boyden provided Investigators with the business card of the representative of vending company.
 7. Investigator Velez placed \$1.00 in U.S. currency into a device and received four credits (25 cents per credit). He selected the amount he wanted to bet. The device “registered” the bet by displaying the number of credits selected. Investigator Velez then pressed the “knock off” button which reset the credits to zero.
 8. Investigators informed Mr. Boyden of the violation and told him that a report would be filed with the Chief Investigator for further review.
 9. At the hearing, the Licensee stated the electronic video devices have been removed.

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 five (5) 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, the Licensee must not possess in or on the licensed premises any automatic amusement devices or video poker machines.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner Elizabeth A. Lashway

Jean M. Lorizio, Chairman Jean M. Lorizio

Kathleen McNally, Commissioner Kathleen McNally

Dated: February 14, 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
Christopher Temple, Investigator
Nick Velez, Investigator
File, Administration