



*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**

**FRAT.ORDER OF EAGLES SPRINGFIELD AERIE #148 DBA AERIE #418**  
**528-32 ST. JAMES AVE.**  
**SPRINGFIELD, MA 01109**  
**LICENSE#: 122600127**  
**HEARD: 07/19/2011**

Frat. Order of Eagles Springfield Aerie #148 dba Aerie #418 (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) (1 count), 204 CMR 2.05 (2) (1 count) and M.G.L. c. 140, §177A (1). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Brad Doyle's Report;
3. Receipts from the Club;
4. Envelope from Club; and
5. Red Notebook.

A. Corporation Resolution dated March 26, 2011.

There is one (1) tape of this hearing.

**FACTS**

1. On March 24, 2011, Investigators Kujawski and Doyle entered the Frat. Order of Eagles Springfield Aerie #148 dba Aerie #418 and investigated the business operation of the licensed premises.
2. Upon entering the bar, the investigators identified themselves to the manager and informed him that they were going to conduct an inspection of the bar area.
3. After an inspection of the area, they asked the manager if there were any automatic amusement devices on the premises.
4. The manager brought them to a room where there were five (5) devices.
5. Investigators asked him if they were licensed by the City of Springfield and he responded that he thought the club was were but could not supply any documentation.
6. The manager had keys for two (2) of the machines which he stated were owned by the club. The other three (3) were owned by an individual, Paul Sinowski, who was a member of the club.

7. The machines were split in half each week between Mr. Sinowski and the club.
8. The investigators tried to reach Mr. Sinowski several times while on the premises.
9. Investigators were led to an office located near the function hall where a single red notebook was produced which contained the amounts of credits in and credits out for the machines from January 1, 2011 to March 24, 2011.
10. The notebook took separate notes for machines that were owned by Mr. Sinowski and machines that were owned by the club.
11. The notebook was taken as evidence and was later introduced as evidence by the investigator at the hearing.
12. Also taken as evidence was an envelope marked "Paul Bank" containing three hundred and fifty dollars (\$350.00) in U.S. currency also introduced at the hearing.
13. The manager told investigators that customers paid for credits and the machine was subsequently set to zero (0) after a payment was made.
14. Investigators inspected the machines and observed that the electronic video devices had several characteristics that are indicative of machines used as gambling devices and observed the following:
  - Each machine had markings that indicated "For Amusement Only"
  - The machines accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20)
  - It had a "knock off" mechanism to reset the credits to zero (0)
  - Each machine had a "double up" option

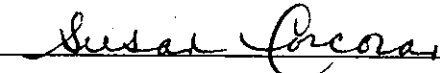
#### DISCUSSION

The licensee stated that the manager on record had been the manger for a short time and once informed of the violation, the machines were removed immediately. The licensee has had the license since 1969 without any prior violations.

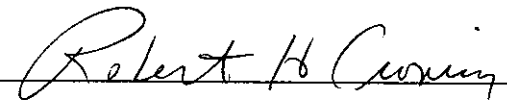
#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1) (1 count), 204 CMR 2.05 (2) (1 count) and M.G.L. c. 140, §177A (1). The licensee has no prior violations. Therefore, the Commission **suspends the license for a period of 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**

Susan Corcoran, Commissioner 

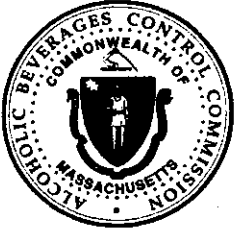
I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Robert H. Cronin, Commissioner 

Dated: September 12, 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  
Brad Doyle, Investigator  
Frank Caruso, Esq. via Facsimile  
Administration  
File



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
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NOTICE OF SUSPENSION

*Kim S. Gainsboro, Esq.*  
*Chairman*

September 12, 2011

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After a hearing on July 19, 2011, the Commission finds Frat. Order of Eagles Springfield Aerie #148 dba Aerie #418 in violation of 204 CMR 2.05 (1) (1 count), 204 CMR 2.05 (2) (1 count) and M.G.L. c. 140, §177A (1).

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, October 19, 2011 and terminate on Thursday, October 20, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 19, 2011 at 9:00 A.M. It will be returned to the licensee Friday, October 21, 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  
Brad Doyle, Investigator  
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