

# *The Commonwealth of Massachusetts*

*Department of the State Treasurer*

*Alcoholic Beverages Control Commission*

*Boston, Massachusetts 02114*

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

## NOTICE OF SUSPENSION

May 3, 2016

**STOUGHTON POST #89 INC. DBA THE AMERICAN LEGION**  
**398 PROSPECT STREET**  
**STOUGHTON, MA 02072**  
**LICENSE#: 124400010**  
**VIOLATION DATE: 02/25/2016**  
**HEARD: 04/26/2016**

After a hearing on April 26, 2016, the Commission finds Stoughton Post #89 Inc. d/b/a The American Legion violated 204 CMR 2.05 (1) - Permitting Gambling.

The Commission **suspends the license for 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 devices or video poker machines.**

The Commission further requires that the Licensee must file with both the Commission and the Local Licensing Authority the appropriate annual reports pursuant to M.G.L. c. 138, §1 for the calendar years 2006 through 2016.

**The suspension shall commence on Wednesday, June 29, 2016, and terminate on Thursday, June 30, 2016.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 29, 2016 at 9:00 A.M. It will be returned to the Licensee Friday, July 1, 2016.

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, which must be signed by the Licensee and 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.

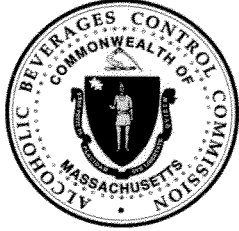
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**



Kim S. Gainsboro  
Chairman

This document is important and should be translated immediately.  
Este documento es importante y debe ser traducido inmediatamente.  
Este documento é importante e deve ser traduzido imediatamente.  
Ce document est important et devrait être traduit immédiatement.  
Questo documento è importante e dovrebbe essere tradotto immediatamente.  
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.  
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
Dennis Keefe, Investigator  
Administration  
File



# *The Commonwealth of Massachusetts*

*Department of the State Treasurer*

*Alcoholic Beverages Control Commission*

*Boston, Massachusetts 02114*

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

## **DECISION**

**STOUGHTON POST #89 INC. DBA THE AMERICAN LEGION**  
**398 PROSPECT STREET**  
**STOUGHTON, MA 02072**  
**LICENSE#: 124400010**  
**VIOLATION DATE: 02/25/2016**  
**HEARD: 04/26/2016**

Stoughton Post #89 Inc. d/b/a The American Legion (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, April 26, 2016, regarding 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 Teehan's report.

The following documents are in evidence:

1. Investigator Teehan's Report dated March 9, 2016;
2. Licensee's Stipulation of Facts; and
3. High Bowlers Club list.

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

The Commission took administrative notice of the Licensee's file.

## **FACTS**

1. On Thursday, February 25, 2016, at approximately 2:40 p.m., Investigators Keefe and Teehan ("Investigators") conducted an investigation of the business operation of Stoughton Post #89 Inc. d/b/a The American Legion to determine the manner in which the business was being conducted.
2. Investigators entered the licensed premises and observed two electronic video devices on a table which was located across the bar area.

3. Investigators identified themselves to the bartender on duty, Marianne McPadden, and informed her of the inspection.
4. Investigators observed in plain view a chart labeled, "High Bowlers Club Sample" which was hung on the wall above the machines. The High Bowlers Club list indicated a TV [television] raffle, 1 entry = 200 points; absolutely no cash payouts; multiple entries with hand-written names next to each number.
5. Investigators observed a television leaning on the wall next to one of the electronic video devices.
6. Ms. McPadden called the bar manager, Tom Hunt, by telephone.
7. Mr. Hunt stated to Investigators that the club pays off for winnings on the electronic video devices with a television.
8. Mr. Hunt stated once an individual accumulated 200 points or more, and is finished playing, the individual prints out a ticket and hands the ticket to the bartender on duty. The bartender then writes the name of the individual on the High Bowlers Club Sample. Once the chart is full, the club picks a number and the winner of that numbered entry receives a TV as the prize.
9. Mr. Hunt advised Investigators that the vendor for the electronic video devices is Four Star Vending. The net revenue is shared with 50% for the club, and 50% for the vending company.
10. Investigators conducted an audit of the devices and observed the following characteristics which, based on their training and experience, they know to be indications that the machines were being used for illegal gambling.
  - Each device accepted U.S. currency;
  - Each device had the capability to select the number of points (the amount to bet);
  - Each device had a "knock off" mechanism in the form of a ticket button on the front console that, when pressed, reset the credits to zero.
11. Investigators advised Mr. Hunt 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 of 204 CMR 2.05 (1) - Permitting Gambling. Therefore, the Commission **suspends the license for 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 devices or video poker machines.**

The Commission further requires that the Licensee must file with both the Commission and the Local Licensing Authority the appropriate annual reports pursuant to M.G.L. c. 138, §1 for the calendar years 2006 through 2016.

The Commission refers the matter regarding the Licensee's failure to submit applications for new officers and/or directors, to the Investigative Unit for further action forthwith.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner

*Kathleen McNally*

Elizabeth A. Lashway, Commissioner

*Elizabeth A. Lashway*

Dated: May 3, 2016

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.

This document is important and should be translated immediately.  
Este documento es importante y debe ser traducido inmediatamente.  
Este documento é importante e deve ser traduzido imediatamente.  
Ce document est important et devrait être traduit immédiatement.  
Questo documento è importante e dovrebbe essere tradotto immediatamente.  
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.  
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
Dennis Keefe, Investigator  
Mail to: P.O. BOX 543, Stoughton MA 02072  
Administration, File