



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

November 28, 2016

TEMPLETON FISH & GAME CLUB INC.
200 CLUB RD., P.O. BOX 99
TEMPLETON, MA 01438
LICENSE#: 126800012
VIOLATION DATE: 04/22/2016
HEARD: 11/22/2016

After a hearing on November 22, 2016, the Commission finds Templeton Fish & Game Club Inc violated:

- 1) 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 23K §37 (a) Operating or permitting to be operated a game or gaming device;
- 2) 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 140 § 177A (6) No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.
- 3) M.G.L. c. 138 § 15A- Change of Officers and Directors in the non-profit corporation without authorization.

On each of the first two charges, 204 CMR 2.05 (2) to wit, M.G.L. c. 23K §37 (a) and M.G.L. c. 140 § 177A (6), 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.**

On the third charge, M.G.L. c. 138 § 15A, the Commission **INDEFINITELY SUSPENDS** the license of Templeton Fish & Game Club Inc. **effective forthwith** until further written order of the Commission. **All three suspensions shall run concurrently.**

The Commission will not issue any further order without a written request from the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the Licensee attends. Good cause for the Commission to consider issuing a further written

order revising the order of indefinite suspensions will include, but not be limited to, the Licensee filing with both the Commission and the local licensing authorities the appropriate application for approval of the current officers and directors of the Licensee.

In addition the Licensee must file the appropriate annual reports pursuant to M.G.L. c. 138, §1 for the last ten (10) years from calendar year 2007 through calendar year 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

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Rose Bailey, Investigator
Mail to: P.O. Box 99
Administration, File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
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DECISION

TEMPLETON FISH & GAME CLUB INC.
200 CLUB RD., P.O. BOX 99
TEMPLETON, MA 01438
LICENSE#: 126800012
VIOLATION DATE: 04/22/2016
HEARD: 11/22/2016

Templeton Fish & Game Club 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, November 22, 2016, regarding alleged violations of:

- 1) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 23K §37 (a) Operating or permitting to be operated a game or gaming device;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 140 §177A (6) No person keeping or offering for operation, or allowing to be kept or offered for operation, any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling;
- 3) M.G.L. c. 138, § 15A - Change of officers/directors in the non-profit corporation with authorization. (Since 1996)

Prior to the commencement of the hearing, the Licensee stipulated to the violations alleged in Investigator Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Investigative Report;
2. Licensee's Stipulation of Facts;
3. Licensee's Records of Income from Gaming Devices for 2016; and
4. Licensee's Records of Income from Gaming Devices from 2007 to 2014.

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 Friday, April 22, 2016, at approximately 5:30 p.m., Investigators Bailey and Doyle ("Investigators") investigated Templeton Fish & Game Club Inc. to determine the manner in which their business was being conducted.
2. Investigators identified themselves to the bartender on duty, Marlene Johnson Champagne. Ms. Champagne stated that she was the Secretary of the club.
3. Investigators observed three automatic amusement devices in open view on the premises in a room adjacent to the bar and asked Ms. Champagne about the devices.
4. Ms. Champagne stated the manager dealt with the machines, and she called the manager who said he would come to the club.
5. Norman Legere arrived and identified himself as the manager of record to Investigators. Investigators asked Mr. Legere who owned the amusement devices.
6. Mr. Legere stated the machines were owned by Happy House Amusement out of Goffstown, New Hampshire. He stated the profits were split 50/50 between the club and the vending company. Someone from Happy House comes to club every six weeks to collect its percentage from the earnings.
7. Investigators asked Legere how customers collected winnings on these devices. Mr. Legere stated that he or the bartender on duty would pay each person according to the number of credits earned. Then he or the bartender would reset the machine via a knock-off switch on the side of the machine. Investigators asked Mr. Legere if any records were kept regarding the devices.
8. Investigators accompanied Mr. Legere to his office where Legere produced three records from 2016. He stated that the previous years were thrown out. (Exhibit 3)
9. Investigators found records for earnings from previous years dating back to 2006 indicating income from the machines by year. (Exhibit 4)
10. Investigators observed that the electronic video devices (3 video draw poker) had the following characteristics which, based on their training and experience, indicated these electronic video devices were being used as gambling devices:
 - Each device accepted U. S. Currency in bills ranging from \$1, \$5, \$10, \$20;
 - Each device had a "double up" option to win additional credits;
 - Each device had a "knock off" mechanism to reset the credits earned to zero;
 - Each device had recordings on the screen indicating credits awarded and credits played.
11. Investigator Doyle inserted one U.S. dollar into electronic video device #1. The screen showed 35356 credits played and 32315 credits awarded. After inserting the dollar bill, Investigator Doyle received four credits, which indicated that the value of one credit or point was twenty-five cents. He selected 2 credits to play and the device registered the bet, showing 2 credits remaining. Investigators then pressed a button on the side of the

machine. This button was the “knock off” button which reset the remaining credits to be played from 2 to zero. The screen on the machine then reflected 35360 credits played and 32317 awarded.

12. Electronic video devices #2 and #3 each had similar screens showing credits played and awarded.
13. Investigators asked Mr. Legere how often the Officers and Directors of the club changed. Mr. Legere stated that club holds regular elections.
14. Investigators asked Mr. Legere if the current Officers and Directors were approved by the Town of Templeton and the Commission. Mr. Legere stated that annual reports are filed every year with the Secretary of the Commonwealth but he did not recall a hearing at the Town of Templeton Licensing Board to approve the current Officers and Directors.
15. Investigators informed Mr. Legere of the violation and that a report would be submitted to the Chief Investigator for review.
16. Investigators conducted an administrative review of the Licensee’s file which shows that the most recent application for Officers and Directors dates back to 1996. The Licensee had submitted its annual reports with the Secretary of the Commonwealth. A review of these annual reports on the Secretary of the Commonwealth’s website reveals that the Officers and Directors have been changed on numerous occasions but none of these changes were approved by the Town of Templeton Licensing Board and the Commission as required by M.G.L. c. 138, § 15A.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

- 1) 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 23K §37 (a) Operating or permitting to be operated a game or gaming device;
- 2) 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 140 § 177A (6) No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.
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In addition, the Licensee must file the appropriate annual reports pursuant to M.G.L. c. 138, §1 for the last ten (10) years from calendar year 2007 through calendar year 2016.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: November 28, 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.

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