

Jean M. Lorizio, Esq.  
Chairman

Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone: 617-727-3040  
Facsimile: 617-727-1510

NOTICE OF SUSPENSION

April 12, 2017

**OTTER RIVER SPORTSMAN'S CLUB INC.  
250 LORD ROAD  
TEMPLETON, MA 01436  
LICENSE#: 126800008  
VIOLATION DATE: 08/18/2016  
HEARD: 04/11/2017**

After a hearing on April 11, 2017, the Commission finds Otter River Sportsman's 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 **suspends the license for ten (10) days of which five (5) days will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. All three suspensions shall run concurrently.**

**The suspension shall commence on Wednesday, May 31, 2017 and terminate on Sunday, June 4, 2017.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 31, 2017 at 9:00 A.M. It will be returned to the Licensee Monday, June 5, 2017.

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.

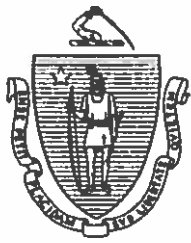
## ALCOHOLIC BEVERAGES CONTROL COMMISSION



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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  
Brad Doyle, Investigator  
Rose Bailey, Investigator  
Robert L. Rice, Esq. via facsimile 978-343-8925  
Administration, File



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## DECISION

**OTTER RIVER SPORTSMAN'S CLUB INC.  
250 LORD ROAD  
TEMPLETON, MA 01436  
LICENSE#: 126800008  
VIOLATION DATE: 08/18/2016  
HEARD: 04/11/2017**

Otter River Sportsman's 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, April 11, 2017, 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.

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. Photos of Gaming Devices;
3. Licensee's Application for Transfer from 1960; and
4. Licensee's Stipulation of Facts.

A. Montachusett Vending's Letter to Licensee Confirming its Removal of Gaming Devices.

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, August 18, 2016, at approximately 7:45 p.m., Investigators Bailey and Doyle (“Investigators”) investigated Otter River Sportsman’s Club Inc. to determine the manner in which its business was being conducted and to investigate a complaint filed with this Commission.
2. Investigators identified themselves to the female bartender on duty, Natasha Bourque, and asked if any of the officers / directors of the corporation were present. Ms. Bourque stated that she would call a representative of the corporation to come to the club.
3. Investigators observed three automatic amusement devices (Draw poker, New Cherry ’96, All Fruit Bonus) against the wall of the premises in open view. (Exhibit 2)
4. Don Tourigny arrived and identified himself to Investigators. Investigators informed Mr. Tourigny of the complaint and asked him who owned the machines.
5. Tourigny stated he thought the devices were owned by Montachusett Vending and the club pays out for winnings. Tourigny stated that he and John Dow were on the liquor committee which dealt with the devices.
6. Investigators spoke by telephone to John Dow, who stated he was out of town. Dow stated someone from the vending company comes to the club once or twice a month to collect its percentage of winnings. Dow stated the winnings from the devices were split equally between the club and the vending company.
7. Investigators asked Dow how a person collected winnings on these devices. Mr. Dow stated a patron would notify the bartender on duty. On a piece of paper, the bartender records the person’s name and number of credits remaining on the device. Then he would reset the credits to zero via a knock-off switch. The winning slips are left at the bar and Dow pays out the winners with U.S. Currency.
8. Investigators asked Mr. Dow for any records which reflected the pay outs from the club. Dow stated he kept everything “in his head.” When asked how much money the club generated from the devices, Dow replied approximately \$300 to \$400 a week, on average. Investigators asked Dow to submit, via facsimile or email, a report of the club’s gross receipts. Although Dow promised to send this document, Investigators never received such a report from him.
9. Natasha Bourque verified the payoff process as described by Mr. Dow.
10. Investigators observed that the electronic video devices had the following characteristics which, based on their training and experience, indicated these electronic video machines were being used as gambling devices:
  - Each device was marked “for amusement only”;
  - 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.

11. Investigator Doyle inserted one U.S. dollar into electronic video device #1 and received four credits, which indicated that the value of one credit or point was twenty-five cents. He selected 1 credit to play and the device registered the bet, showing 3 credits remaining. Investigators then pressed a white button, the “knock off” button, on the side of the machine. The “knock off” button reset the remaining credits to be played from 3 to zero.
12. Investigators asked Mr. Tourigny how often the Officers and Directors of the club changed. Tourigny stated that club holds elections every year or two on a regular basis.
13. Investigators informed Mr. Tourigny of the violation and that a report would be submitted to the Chief Investigator for review.
14. Investigators conducted an administrative review of the Licensee’s file which shows that this license was transferred to the current corporation in 1960. No new applications for Officers and Directors had been submitted since then. A review of the Licensee’s annual reports on the Secretary of the Commonwealth’s website reveals that the Officers and Directors have been changed on numerous occasions dating back to 1997 but none of these changes had been approved by the Town of Templeton Licensing Board and the Commission as required by M.G.L. c. 138, § 15A. (Exhibit 3)
15. On February 1, 2017, the Licensee applied for Change of Beneficial Interest (new officers/directors) to the local licensing authority and the ABCC. The Licensee proposed the following changes to officers/directors of the corporation:
  - Joe Cregg, President/Board of Directors;
  - Mike Nobrega, Vice-President/Chairman of the Board of Directors;
  - Keith Dembek, Treasurer;
  - Peter Couillard, Clerk-Secretary/Board of Directors; with
  - Chuck Schrawder, Board Member;
  - Donald Tourigny, Board Member;
  - Leslie Dossett, Board Member;
  - Dave Dickie Board Member;
  - Daniel Dean, Board Member; and
  - John Dow, Board Member.
16. That Change of Beneficial Interest application was approved by the ABCC on March 7, 2017. (Commission records)

CONCLUSION

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

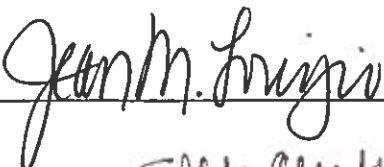
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**The Commission also reminds the Licensee to remain current in filing the appropriate annual reports pursuant to M.G.L. c. 138, § 1 (to file annually with the Commission a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages).**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman 

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: April 12, 2017

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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