



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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

September 28, 2011

The Thirsty Turtle, Inc. dba Thirsty Turtle Pub
15 Central Street
Templeton, MA 01436
License #: 126800025
Heard: July 26, 2011

After a hearing on July 26, 2011, the Commission finds The Thirsty Turtle Inc. dba The Thirsty Turtle Pub in violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2).

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, November 16, 2011 and terminate on Thursday, November 17, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 16, 2011 at 9:00 A.M. It will be returned to the licensee Friday, November 18, 2011.

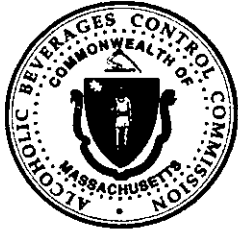
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Rose Bailey, Investigator
Administration
File



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

The Thirsty Turtle, Inc. dba Thirsty Turtle Pub
15 Central Street
Templeton, MA 01436
License #: 126800025
Heard: July 26, 2011

The Thirsty Turtle Inc. dba The Thirsty Turtle Pub (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 26, 2011, regarding an alleged violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2) detailed in Investigator Rose Bailey's report.

The following documents are in evidence:

1. Investigator Rose Bailey's Report dated April 14, 2011; and
2. Envelope containing ten dollars and ten cents (\$10.10).

There is one (1) tape of this hearing.

FACTS

1. On Thursday September 23, 2011, Investigators entered The Thirsty Turtle Inc. dba The Thirsty Turtle Pub.
2. They observed two (2) multi-game video poker machines.
3. Investigator Bailey put five (5) dollars in a video poker machine and received one hundred (100) credits (.5 cents per credit) displayed on the screen.
4. Over a period of time investigator Bailey accumulated two hundred and two (202) credits while playing the machine.
5. The investigator asked to cash out with two hundred and two (202) credits.
6. The bartender came over with a calculator to calculate the cash winnings.
7. The bartender reached behind the machine and reset the winning credits to zero (0).
8. The bartender went behind the bar and wrote ten dollars and ten cents (\$10.10) on a food order slip.
9. The bartender removed ten dollars and ten cents (\$10.10) from the cash register and handed it to Investigator Bailey.
10. On April 7, 2011, Investigators returned to the licensed premises and informed the owner of the alleged violation.
11. The owner told the investigators he did not pay off on the machines.
12. The owner told the investigators Montachusett Vending owned the machines and the split was 50/50.

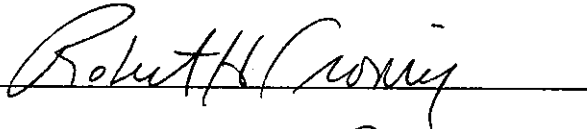
13. At the hearing the owner told the Commission he did not pay off on the machines.
14. Administrative review of the file indicates this was the first violation by the licensee in nineteen (19) years of ownership.

CONCLUSION

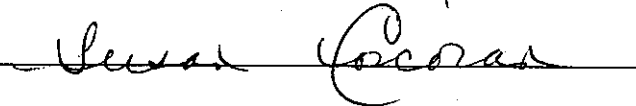
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05(1), 204 CMR 2.05(2) and 204 CMR 2.05(2). The licensee has no prior violations. Therefore, the Commission suspends the license for a period of five (5) days of which two (2) days will be served and three (3) days will be held 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

Robert H. Cronin, Commissioner



Susan Corcoran, Commissioner



Dated: September 28, 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
Rose Bailey, Investigator
Administration
File