

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

October 12, 2011

RAMOURA, CORP. DBA O'CONLEY'S
24 MIDDLESEX ROAD
TYNGSBOROUGH, MA 01879
LICENSE #: 129800008
HEARD: 7/26/2011

After a hearing on July 26, 2011, the Commission finds Ramoura, Corp. dba O'Conley's 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 thirty (30) days to be served.** The suspension shall commence on **Wednesday, November 9, 2011 and terminate on Thursday, December 8, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 9, 2011 at 9:00 A.M. It will be returned to the licensee Friday, December 9, 2011.

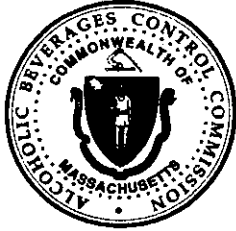
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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



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

RAMOURA, CORP. DBA O'CONLEY'S
24 MIDDLESEX ROAD
TYNGSBOROUGH, MA 01879
LICENSE #: 129800008
HEARD: 7/26/2011

Ramoura, Corp. dba O'Conley's (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). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Rose Bailey's Report and Memorandum;
3. Envelope with Twenty (20) Dollars in U.S. Currency;
4. Betting Slip; and
5. Calendar of Lowell Amusement Co, Inc.

There is one (1) tape of this hearing.

FACTS

1. On April 8, 2011 Investigators Kujawski and Bailey conducted a covert investigation of the business operation of Ramoura, Corp dba O'Conley's.
2. Upon entering the licensed premises, Investigators observed two (2) electronic devices located to the right of the entrance door.
3. Investigators observed that the electronic video device had characteristics, which they knew based on their training and experience, to be indications that the electronic video device was utilized as a gambling device.
4. After a period of time this investigator inserted ten (10) dollars of U. S. currency into the electronic video device "Jack's or Better" and observed forty (40) credits displayed on the screen.

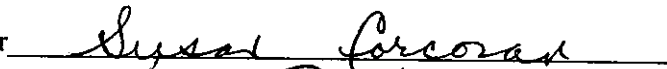
5. After inserting the money into the machine, the investigator selected the number of credits they wanted to bet.
6. The machine registered the bet by displaying the number of credits the investigator had selected.
7. The investigator then made additional observations relative to the characteristics of the video poker device.
 - Double Up Button
 - Specific Currency Insertion Amounts
 - Not Labeled with Signage "For Amusement Only"
8. Subsequent to this, the investigator continued to play over a period of time and then informed the cashier that she wanted to "cash out."
9. The bartender approached the device and made a note of the winning credits. She reached behind the device and reset the machine to zero(0).
10. The bartender went behind the bar and opened a metal box and handed twenty (20) dollars to the investigator.
11. From the investigators training and experience they recognized a "knock off" device which is commonly used in gambling devices.
12. Administrative review of the file indicates the Licensee has three (3) prior violations within the last ten (10) years.
13. The Local Board has also given the Licensee three (3) suspensions.

CONCLUSION

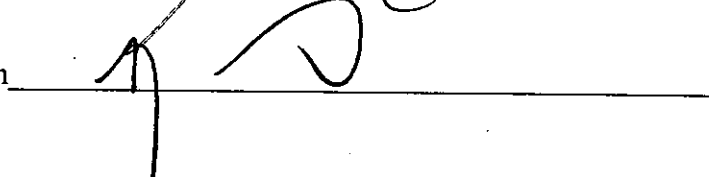
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2). Therefore, the Commission **suspends the licensee's license for a period of thirty (30) days. In addition, the licensee must not possess in or on the licensed premises any automatic amusement device or video poker machine.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Kim S. Gainsboro, Chairman



Dated: October 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
Rose Bailey, Investigator
Administration
File