



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

December 16, 2013

WAKEFIELD K. OF C. BLDG. ASSN. INC. DBA WAKEFIELD KNIGHTS OF COLUMBUS
570 NORTH AVE.
WAKEFIELD, MA 01880
LICENSE#: 131000009
VIOLATION DATE: 09/14/2013
HEARD: 12/03/2013

After a hearing on December 3, 2013, the Commission finds Wakefield K. of C. Bldg. Assn. Inc. dba Wakefield Knights of Columbus in violation of 204 CMR 2.05(1) Permitting Gambling.

The Commission **suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, February 5, 2014 and terminate on Sunday, February 9, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 5, 2014 at 9:00 A.M. It will be returned to the licensee Monday, February 10, 2014.

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
Christopher Temple, Investigator
Caroline Wilichoski, Investigator
Administration
File

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DECISION

WAKEFIELD K. OF C. BLDG. ASSN. INC. DBA WAKEFIELD KNIGHTS OF COLUMBUS
570 NORTH AVE.
WAKEFIELD, MA 01880
LICENSE#: 131000009
VIOLATION DATE: 09/14/2013
HEARD: 12/03/2013

Wakefield K. of C. Bldg. Assn. Inc. dba Wakefield Knights of Columbus (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, December 3, 2013, regarding an 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 Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Temple's Violation Report dated September 14, 2013; and
3. Printed Receipts.

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

FACTS

1. On Saturday, September 14, 2013, at approximately 3:45 p.m., Investigators Wilichoski and Temple conducted an investigation of the business operation of Wakefield K. of C. Bldg. Assn. Inc. dba Wakefield Knights of Columbus to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises, identified themselves to Mitch, the bartender on duty.
3. Investigators first conducted an inspection behind the bar, and then proceeded to conduct a full inspection of the licensed premises.
4. Investigators observed two automatic amusement devices in a room located to the left of the entrance door. The devices were labeled as Double Up (#1) and Cherry 97 (#2).
5. Investigators questioned Mitch regarding these devices.
6. Mitch stated that he did not know much about them and that the manager would know more.
7. Investigators asked Mitch to contact the manager, Richard Meuse, who arrived at the licensed premises shortly thereafter.

8. Investigators questioned Mr. Meuse regarding the machines, and Mr. Meuse provided investigators with the following information:
 - o Action Jackson owns the machines;
 - o K of C has a 50/50 split with Action Jackson;
 - o Action Jackson comes every week to collect the winnings;
 - o Ed Walsh, the janitor, collects the money every morning and does a tally;
 - o Mr. Walsh puts all the money in a locked wooden box at the bar;
 - o Mr. Walsh does not pay out on winnings of the machines.
9. Mr. Meuse opened each device for inspection.
10. Investigators observed that each electronic video device contained characteristics, which based on their training and experience, they know to be indications that the devices are utilized as gambling devices.
11. Investigators observed that the devices contained the following characteristics:
 - o Each device accepted dollar bills ranging from \$1, 5, 10, and 20;
 - o Each device had a "knock off" button in the form of a print button to reset the device to zero, which generates a printed receipt indicating winning credits;
 - o Each device had a backup battery in place;
 - o Each device had two meters within the unit to record credits in and credits out.
12. Investigators observed that \$12.00 in U.S. currency was contained in the money bin of the Double Up (#1) machine.
13. Investigators then placed \$1.00 in U.S. currency in the Double Up device and received four credits (twenty-five cents per credit). After selecting one credit, the machine registered the bet, displaying one credit to be played and three credits remaining. After pressing the button, investigators heard a clicking sound. Investigators observed that a receipt printed and the device credits reset to zero.
14. Investigators asked Mr. Meuse to open the locked box and count the money. Mr. Meuse counted \$478.00.
15. Investigators informed Mr. Meuse that this was a violation.
16. Mr. Meuse stated that he would call [Action Jackson] today and have the devices removed.
17. Investigators informed Mr. Meuse that a violation report would be filed with the Chief Investigator for further review.

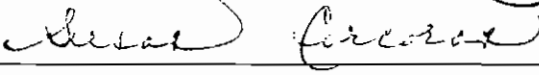
CONCLUSION

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 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.**

The machines must be removed IMMEDIATELY from the licensed premises per Order of the Commission. 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

Kathleen McNally, Commissioner 

Susan Corcoran, Commissioner 

Dated: December 16, 2013

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
- Christopher Temple, Investigator
- Caroline Wilichoski, Investigator
- Administration
- File