

*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*

**Jean M. Lorizio, Esq.**  
*Chairman*

**NOTICE OF SUSPENSION**

June 9, 2017

**ASPEN ST. ROD & GUN CLUB INC.  
58 ASPEN STREET  
WARE, MA 01082  
LICENSE#: 132600001  
VIOLATION DATE: 12/16/2016  
HEARD: 06/06/2017**

After a hearing on June 6, 2017, the Commission finds Aspen St. Rod & Gun Club Inc. violated 204 CMR 2.05 (1): Permitting Gambling on License Premises.

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.

The suspension shall commence on Wednesday, August 2, 2017 and terminate on Thursday, August 3, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, August 2, 2017 at 9:00 A.M. It will be returned to the Licensee Friday, August 4, 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.

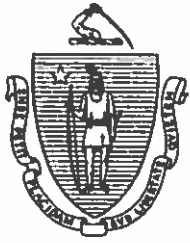
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

A handwritten signature in cursive script, reading "Jean M. Lorizio".

Jean M. Lorizio  
Chairman

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Jan Kujawski, Investigator  
Dennis Keefe, Investigator  
Administration, File



Jean M. Lorizio, Esq.  
Chairman

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## DECISION

**ASPEN ST. ROD & GUN CLUB, INC.**  
**58 ASPEN STREET**  
**WARE, MA 01082**  
**LICENSE#: 132600001**  
**VIOLATION DATE: 12/16/2016**  
**HEARD: 06/06/2017**

Aspen St. Rod & Gun Club Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, April 11, 2017, regarding an alleged violation of 204 CMR 2.05 (1): Permitting Gambling. Prior to the commencement of the hearing, the Licensee stipulated to the violations alleged in Investigator Kujawski's Report.

The following documents are in evidence:

1. Investigator Kujawski's Investigative Report;
2. Licensee's Stipulation of Facts;
3. Photograph of Video Machine; and
4. Photograph of Video Machine.

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, December 16, 2016, at approximately 2:15 p.m., Investigators Keefe and Kujawski ("Investigators") investigated Aspen St. Rod & Gun Club Inc. to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and observed two electronic video gaming devices in the bar area. They identified themselves to the female bartender on duty and asked about the electronic video gaming devices. The bartender stated that she was not familiar with the devices and directed Investigators to Michael Brown, the acting manager of record. The bartender then contacted Brown by telephone.
3. While waiting to speak with Mr. Brown, Investigators made observations of the electronic video gaming devices. One device was named Lucky Live and then other labeled New Fruit.

4. Investigators observed the following characteristics which, based on their training and experience, indicated these electronic video gaming devices were being used as illegal gambling devices:
  - Each had the capability to select the number of points (the amount to bet);
  - Each registered the bet by displaying the number of points selected;
  - Each had the capability to double the bet using a double-up button;
  - Each had a “knock off” mechanism, a push button on the left rear of the machine, which when pressed reset the credits to zero.
5. Investigator Keefe placed \$1.00 in U.S. Currency into the electronic video device and received 4 credits, which indicated the value of one credit was twenty-five cents. He selected 1 credit to play. The device registered the bet, showing 3 credits remaining. Investigator Keefe then pressed the “knock off” button which reset the remaining credits to zero.
6. Investigators spoke with Michael Brown who stated that the bartender on duty verifies the points and records the number on a slip of paper, which is stored in a wooden box behind the bar. The bartender then resets the device.
7. Mr. Brown stated that the club paid out on the electronic video gaming devices. Brown informed Investigators that Bill Juda collected the slips and left currency in envelopes for the bartender to distribute the payouts.
8. Investigators informed Mr. Brown of the violation and that a report would be submitted to the Chief Investigator for review.
9. Administrative review of the Licensee’s Commission files reveals that the Officers and Directors of this non-profit corporation have not been updated with the ABCC since 1970. The Commission refers this matter of the Licensee’s failure to submit the required Change in Beneficial Interest forms for new officers and/or directors to the Investigative Unit for further action forthwith.

#### CONCLUSION

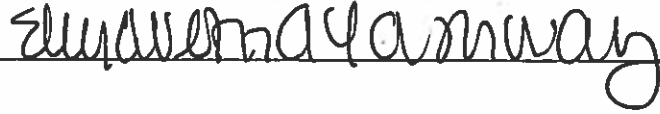
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (1): Permitting Gambling on License Premises. Therefore, the Commission **suspends the license for five (5) days of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years 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.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: June 13, 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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