

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

*Steven Grossman*  
*Treasurer and Receiver General*

**NOTICE OF SUSPENSION**

*Kim S. Gainsboro, Esq.*  
*Chairman*

August 29, 2014

**COLUMBIAN BUILDING ASS'N OF WEYMOUTH, INC. DBA KNIGHTS OF  
COLUMBUS COUNCIL #5027  
25 CHAUNCY ST.  
WEYMOUTH, MA 02188  
LICENSE#: 145800014  
VIOLATION DATE: 05/22/2014  
HEARD: 08/26/2014**

After a hearing on August 26, 2014, the Commission finds Columbian Building Association of Weymouth, Inc. dba Knights of Columbus Council #5027 in violation of 204 CMR 2.05 (1) – Permitting Gambling (2 Counts).

The Commission suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, October 15, 2014, and terminate on Thursday, October 16, 2014. The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 15, 2014 at 9:00 A.M. It will be returned to the licensee Friday, October 17, 2014.

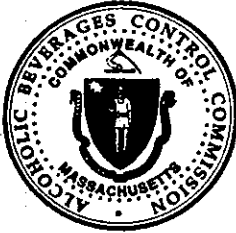
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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  
Michael Teehan, Investigator  
Mark Kenny, Investigator  
Francis T. O'Brien Jr., Esq. via facsimile 617-886-0100  
Administration  
File



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

*Steven Grossman*  
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*Kim J. Gainsboro, Esq.*  
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**DECISION**

**COLUMBIAN BUILDING ASS'N OF WEYMOUTH, INC. DBA KNIGHTS OF  
COLUMBUS COUNCIL #5027  
25 CHAUNCY ST.  
WEYMOUTH, MA 02188  
LICENSE#: 145800014  
VIOLATION DATE: 05/22/2014  
HEARD: 08/26/2014**

Columbian Building Association of Weymouth, Inc. dba Knights of Columbus Council #5027 (the "Licensee" or "K of C #5027") 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, August 26, 2014, regarding an alleged violation of 204 CMR 2.05 (1) – Permitting Gambling (2 Counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Teehan's Investigative Report dated May 22, 2014;
3. KLM Vending Receipt dated April 25, 2014;
4. Handwritten Winnings Receipt dated May 2, 2014;
5. Points Receipt dated February 8, 2014; and
6. Sheet showing Club/KLM split of money.

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

**FACTS**

1. On Thursday, May 22, 2014, at approximately 7:50 p.m., Chief Investigator Mahony, along with Investigators Kenny and Teehan, conducted an investigation of the business operation of Columbian Building Association of Weymouth, Inc. dba Knights of Columbus Council #5027 to determine the manner in which its business was being conducted.
2. Investigators entered the premises and identified themselves to the President on duty, Lawrence Garside.
3. Investigators observed that a raffle had taken place. Mr. Garside stated that the raffle is an Ace of Spades game which is played only on Thursdays. The club sells tickets for one dollar (\$1.00) and then the tickets are placed in a device which spins around. The winner of the ticket is entitled to

pick the Ace of Spades out of a deck of playing cards, and win the raffle. Each week the money [for tickets sold] carries over until there is a winner.

4. Mr. Garside stated there was [presently] approximately \$6,000 in U.S. Currency in the pot, and that the club receives ten percent of the winnings.
5. Investigators observed four electronic video devices, located in the room away from the bar area.
6. Mr. Garside stated to investigators that the club pays out U.S. Currency to individuals who win on the electronic video devices.
7. Investigators inspected the bar area and observed a [locked] safe in a room by itself.
8. Upon request, Mr. Garside opened the safe and investigators observed a gray box which contained:
  - Five small envelopes, each envelope containing several payout slips. The payout slips indicated the name, points won, date, time and amount of money won. The slips indicated a payout rate of twenty-five cents per point, which based on their training and experience, investigators know to be the standard payoff rate for illegal gambling devices in Massachusetts.
  - Several small pieces of yellow paper which contained multiple hand-written entries. The entries indicated the day, date, meters in, meters out, and the electronic device number.
  - Two sheets of paper which contained multiple hand-written entries in separate columns. The entries indicated the machine number, the vending company (KLM), date, cash, machine cash, actual cash, payout (meter reading) and the money paid out.
9. Mr. Garside also stated that once an individual finished playing, said person would print out a ticket and hand it to the bartender on duty. The bartender placed the ticket in the gray box behind the bar. The individual would be paid at a later date.
10. Mr. Garside also stated that the vending company which supplies the devices is KLM Vending and the split of monies is 60% net revenue for the club and 40% net revenue for KLM.
11. Investigators conducted an audit of the devices and made the following observations, which based on their training and experience, indicate that these electronic devices were being utilized as gambling devices:
  - Each device accepted dollar bills ranging from \$1, \$5, \$10, \$20.
  - Each device had two meters within it to record credits in and credits out.
  - Each device had the capability to double up the bet.
  - Each device had a "knock off" mechanism in the form of ticket button on the front console which when pressed, reset the winning credits to zero.
  - After inserting US currency into the device, an investigator selected the number of credits (the amount to bet). The device "registered" the bet by displaying the number of credits selected.
12. Investigators continued their audit of the video devices.
13. On device #1, "Double Up", had two meters: the first meter showed 916908, and the second meter showed 867931. The device had electronic meters accessed by manipulating a toggle

switch, and a button on the display console. When activated a screen displayed indicating: Coins In 855420; Played 928469, and Awarded 609715. Investigators observed that there was \$18 dollars in U.S. Currency in the device.

14. On device #2, had two meters: the first meter showed 730564, and the second meter showed 130791. Investigators observed that there was \$100 dollars in U.S. Currency in the device.
15. On device #3, "Magic", had two meters: the first meter showed 291510, and the second meter showed 550696. The device had dip switches and a backup battery. Investigators observed that there was \$40 dollars in U.S. Currency in the device.
16. On device #4, "Double Up", had two meters: the first meter showed 756457, and the second meter showed 236139. The device had a board with dip switches and electronic meters accessed by manipulating a toggle switch, and a button on the display console. When activated a screen displayed indicating: Coins In 576644; Played 927040, and Awarded 121422. Investigators observed that there was no U.S. Currency in the device.
17. Investigators informed Mr. Garside of the violation and that a report would be filed with the Commission for further action.

#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1) – Permitting Gambling (2 Counts). 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**

Susan Corcoran, Commissioner

*Susan Corcoran*

Kathleen McNally, Commissioner

*Kathleen McNally*

Dated: August 29, 2014

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  
Mark Kenny, Investigator  
Michael Teehan, Investigator  
Francis T. O'Brien Jr., Esq. via facsimile 617-886-0100  
Administration, File