



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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

Columbian Assoc. of Whitman Inc. dba K of C Cardinal Spellman Council #347
1195 Bedford Street
Whitman, MA 02382
License #: 146200005
Heard: March 8, 2011

Columbian Assoc. of Whitman Inc. dba K of C Cardinal Spellman Council #347 (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, March 8, 2011, regarding an alleged violation of 204 CMR 2.05(1) (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Michael Teehan's report.

The following documents are in evidence:

1. Licensee Stipulation to the Facts;
2. Investigator Michael Teehan's Report dated November 10, 2011; and
3. Vending Machine Payout Sheet dated October 6, 2010.

There is one (1) tape of this hearing.

FACTS

1. On Friday October 22, 2011 at approximately 5:45 p.m., Investigators Kenny and Teehan investigated the business operation of the Columbian Assoc. of Whitman Inc. dba K of C Cardinal Spellman Council #347.
2. The investigators noticed three (3) automatic amusement devices in a room separated by the bar area.
3. The bartender and licensed manager told the investigators the club pays off on the winnings from the machines.
4. He provided a folder containing the records of payoffs on the machines dating back to December 2009.
5. The paper showed the vending machine information at the top and "Receive" and "Payout" along with the number of each machine. It also had the date and the meter readings highlighted with the differences underneath and the payout amount next to it.
6. At the hearing, the licensed manager informed the Commission the machines were removed immediately and will not return.
7. Administrative review of the file indicates this was the first violation by the licensee in forty (40) years of existence.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05(1) (1 count) and therefore issues a **WARNING**. The penalty was mitigated by the number of years without a violation and the removal of the machines.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner

Robert H Cronin

Susan Corcoran, Commissioner

Susan Corcoran

Dated: May 13, 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
Michael Teehan, Investigator
File