

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 6, 2011

Woburn Lodge 3908 of B.P.O.E. U.S.A. Inc.
295 Washington Street
Woburn, MA 01801
License #: 149800027
Heard: 8/16/2011

After a hearing on August 16, 2011, the Commission finds Woburn Lodge #3908 B.P.O.E. U.S.A., Inc. 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 two (2) days to be served.** The suspension shall commence on **Wednesday, November 30, 2011 and terminate on Thursday, December 1, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 30, 2011 at 9:00 A.M. It will be returned to the licensee Friday, December 2, 2011.

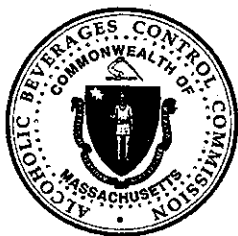
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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



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

Steven Grossman
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DECISION

Kim J. Gainsboro, Esq.
Chairman

Woburn Lodge 3908 of B.P.O.E. U.S.A. Inc.
295 Washington Street
Woburn, MA 01801
License #: 149800027
Heard: 8/16/2011

Woburn Lodge #3908 B.P.O.E. U.S.A., Inc. (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, August 16, 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. Investigative Report of Rose Bailey;
2. Copy of Fun Points Receipt;
3. Copy of Four Star Vending Business Card;
4. Daily Bar Report;
5. Six Separate Fun Points Receipts;
6. Notebook Receipts;
7. Lottery Commission Note;
8. Bank Statements; and
9. Licensee's Stipulation of Facts.

There is one (1) tape of this hearing.

FACTS

1. On Friday June 10, 2011, Investigators Bailey and Keefe inspected the Woburn Lodge #3908 B.P.O.E. U.S.A., Inc.
2. The bar manager opened a room adjacent to the poolroom which contained six (6) video poker devices.
3. The investigators made observations of the machines for characteristics which indicate the machines were used for the purpose of gambling.
4. Each device accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20).
5. Each device had a "knock off" button in the form of a print button to reset the device to zero (0), which generates a printed receipt indicating winning credits.
6. Each device had a back up battery in place.
7. Each device had electronic dipswitches to set odds.
8. Each device had two (2) meters within the unit to record credits in and credits out.
9. Device #2 contained twenty (20) dollars in U.S. in currency.

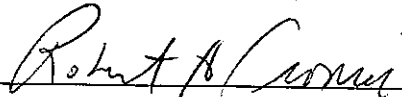
10. Device #3 contained one hundred (100) dollars U.S. in currency
11. Device #4 contained one hundred and twenty (120) dollars in U.S. currency
12. Device #5 contained two hundred and eighty-three (283) dollars in U.S. currency
13. Device #6 contained ninety-eight (98) dollars in U.S. currency
14. The investigators determined that each point on the machine reflected a value of twenty-five cents (\$.25) of U.S. currency.
15. The club manager provided the investigators with the "daily bar report." (Ex 4)
16. The club manager provided printed receipts. (Ex 5)
17. The manager told the investigators he put all the money from the lottery, pull tabs and various games are deposited in the State Lottery account.
18. The manager told the investigators, the club paid out on the winnings from the machines.
19. Administrative review of the file indicates this was the first violation by the licensee in over one hundred (100) years of existence.

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 five (5) days of which two (2) days will be served and three 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 device or video poker machine.**

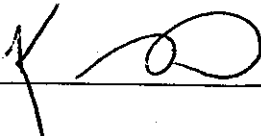
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated: October 4, 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