



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Tel. (617) 727-3040
Fax: (617) 727-1510*

Jean M. Lorizio, Esq.
Chairman

DECISION

**WOBURN MA. LODGE #908 B.P.O.E. U.S.A. INC.
295 WASHINGTON STREET
WOBURN, MA 01801
LICENSE#: 00027-CL-1498
VIOLATION DATE: 7/20/2018
HEARD: 10/02/2018**

Woburn MA. Lodge #908 B.P.O.E. U.S.A. Inc. (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, October 2, 2018, regarding an alleged violation of 204 CMR 2.05 (2): Permitting an Illegality on the licensed premises, to wit: 204 CMR 2.05 (1): Permitting Gambling. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Wilichoski's Report

The following documents are in evidence:

1. Investigator Wilichoski's Investigative Report; and
 2. Licensee's Stipulation of Facts.
- A. Licensee's Application for Raffle and/or Bazaar Tax Return.

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, July 20, 2018, Investigators Hooton and Wilichoski ("Investigators") investigated Woburn MA. Lodge #908 B.P.O.E. U.S.A. Inc to determine the manner in which their business was being conducted and to address a complaint filed with this Commission that the Licensee was holding a high stakes Queen of Hearts card game.
2. Investigators entered the licensed premises at approximately 11:00 a.m., and identified themselves to the manager on duty, Renee Kelly. Ms. Kelly admitted that the establishment had been holding a raffle for the last 53 weeks, and the final event was tonight. Ms. Kelly stated that the winner of the raffle would receive over one hundred thousand dollars (\$100,000.00). She stated that there had not been any winners in a year. Ms. Kelly stated that she did not believe the Elks club had registered the raffle event with the Massachusetts

Attorney General's Office, nor did the club hold a raffle license. Investigators took a picture of the advertisement for this event that was on the black board.

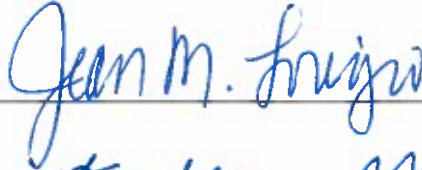
3. At approximately 12:04 p.m., Investigators spoke to the manager of record, John Mulrenan, by telephone. Mr. Mulrenan relayed to Investigators how the card game was played. Using a deck of 52 playing cards, Mulrenan placed one playing card into one envelope, with the envelopes being numbered from 1 to 52. Each week approximately 70 participants purchased a raffle ticket for \$5.00. The participant would write his/her name on the ticket along with a number from 1 to 52. A raffle ticket was then drawn, and the number written on the ticket identified which of the 52 envelopes would be opened. If the chosen envelope contained the Queen of Hearts inside it, then that ticket holder would win the pot.
4. Mr. Mulrenan stated that "nobody has won for 53 weeks" and "the raffle got out of control and we didn't expect it to go on for this long." He stated that a participant would win at the event this evening.
5. Investigators asked Mr. Mulrenan if the club had registered this event with the Massachusetts Attorney General's Office. Mulrenan stated no. Investigators asked him if the establishment held a raffle license for this event. Mulrenan stated no.
6. Investigators asked Mr. Mulrenan if the monies obtained each week on the raffle were held in a bank account. Mulrenan stated no, the monies were held in a safety deposit box at the Rockland Trust Bank. Investigators then asked if the event were held tonight, how much money would the winner make? Mulrenan stated that the winner would get approximately one hundred and fifty thousand dollars, with the club getting 10% of the total. Mulrenan further stated that the club would pay a 5% raffle tax.
7. Investigators informed Mr. Mulrenan of the violation and that a report would be submitted to the Chief Investigator for review.
8. The Licensee informed the Commission that immediately after the event they:
 - 1) Applied to the City of Woburn for a raffle permit to document the raffle of 7/20/18 and a permit for any raffles going forward;
 - 2) Submitted the required Raffle and/or Bazaar Tax Return to the State Lottery Commission and paid the taxes due;
 - 3) Issued the proper tax documents to the winners and deposited the withholdings with the licensee's accountant; and
 - 4) Submitted a report to the City of Woburn with an accounting of the raffle.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2), to wit: 204 CMR 2.05 (1): Permitting Gambling. As the Licensee has been in business for more than 100 years with one prior violation over 5 years ago, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: October 3, 2018

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Wilichoski, Investigator
Tim Hooton, Investigator
Mark J. Salvati, Esq. via facsimile 781-938-1116
Administration, File