

Re: **Johnny G's, Inc.**  
Premise: **179 Lawrence Street**  
City/Town: **Lawrence, MA 01840**  
License #: **059400025**  
Heard: **September 21, 2010**

## **DECISION**

Johnny G's, 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 September 21, 2010 regarding an alleged violation of M.G.L. c.140, §177A (1 count) and M.G.L. c.271, §17 (1 count). Prior to the commencement of the hearing, the licensee stipulated to the facts detailed in Investigator Brad Doyle's Report regarding the violations that occurred on May 28, 2010.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Brad Doyle's Report; and
3. Envelope containing currency and an attached note indicating points earned and machine number.

There is one (1) tape of this hearing.

### Facts

1. On, May 28, 2010 at approximately 11:15 p.m., Commission Investigators and Sergeant Jay Cerullo of the Lawrence Police responded to a formal complaint of gambling on the premises and investigated the business operation of Johnny G's, Inc.
2. Investigators identified themselves to the bartender, Suzanne Gellardeves, and told Ms. Gellardeves they were there to conduct an inspection of the bar area.
3. After the inspection of the bar area the Investigators then checked a room in the back of the premises where there were four electronic amusement machines.

4. Investigators asked Ms. Gellardeves about the machines and the process of paying for winning credits earned and she stated the bar does not pay out winnings from the machines.
5. Investigators discovered an envelope appearing to contain currency and an attached note stating “#1, 600pts, Lynn, 5-20-10.”
6. The owner was called to the premises and identified as John Guay.
7. Investigators asked Mr. Guay about the envelope with the note attached to it. He stated that the envelope was a payout for winnings from the electronic amusement machines.

Conclusion

Based on the evidence, the Commission finds the licensee violated M.G.L. c.140, §177A and M.G.L. c.271, §17. The Commission **suspends the license for six (6) days of which three (3) 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 device or video poker machine. The licensee must surrender the license under M.G.L. c.140 for any automatic amusement device or video poker machine and not apply for another so long as the licensee holds a license under M.G.L. c. 138.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman \_\_\_\_\_

Robert Cronin, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 22<sup>nd</sup> day of September 2010.

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 days of receipt of this decision.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Brad Doyle, Investigator  
Robert Kelley, Esq. (sent via facsimile 978-975-1658)  
File