

Re: Stars and Stripes, Inc.
Premises: 233 Main Street
P.O. Box 22
City/Town: North Brookfield, MA 01535
License: AA Restaurant
Heard: September 29, 2009

DECISION

A Commission hearing was held to determine whether Stars and Stripes, Inc. was in violation of 204 CMR 2.05 (1)- Permitting Gambling and Ch. 140, § 177A (1)- Failure to have Automatic Amusement Devices licensed (1 count).

The licensee stipulated to the facts contained in the Investigator's report. Investigator Michael Teehan testified that on July 24, 2009 at approximately 12:55 p.m., Investigator Capurso and himself investigated the business operation of Stars and Stripes. Upon entering the bar, the Investigators observed two (2) automatic amusement devices (one (1) slot and one (1) poker machine) on the licensed premises.

The Investigators also observed two (2) boxes of pull-tabs, which were not issued by the Massachusetts State Lottery.

Investigator Capurso also noticed that only one of the automatic amusement devices was licensed.

The licensee testified that as of 2 p.m. on July 24, 2009 the machines were permanently removed and the pull-tabs were destroyed as of 2:30 p.m.

An administrative review of the file revealed that the licensee has had the license for fifteen years and this is the first violation.

The Commission finds the licensee in violation of 204 CMR 2.05 (1)- Permitting Gambling and Ch. 140, § 177A (1)- Failure to have Automatic Amusement Devices licensed (1 count) and, **suspends the license for 5 days of which 2 days will be held in abeyance for two years provided no further violations of Ch. 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner_____

Robert H. Cronin, Commissioner_____

Dated in Boston, Massachusetts this 6th day of October 2009.

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
File