

*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

September 22, 2011

**Club Franco-American De Naturalization D'Athol**  
**592-594 South Street**  
**Athol, MA 01331**  
**License#: 004800016**  
**Heard: July 12, 2011**

After a hearing on July 12, 2011, the Commission finds Club Franco-American De Naturalization D'Athol in violation of 204 CMR 2.05 (1) (1 count) 204 CMR 2.05 (2) (1 count).

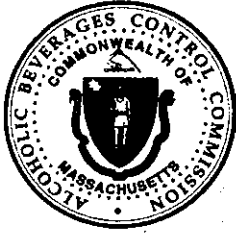
The Commission **suspends the licensee's license for a total of five (5) days to be served.** The suspension shall commence on **Wednesday, November 16, 2011 and terminate on Sunday, November 20, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 16, 2011 at 9:00 A.M. It will be returned to the licensee Monday, November 21, 2011.

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  
Dennis Keefe, 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*

**Club Franco-American De Naturalization D'Athol**  
**592-594 South Street**  
**Athol, MA 01331**  
**License#: 004800016**  
**Heard: July 12, 2011**

Club Franco-American De Naturalization D'Athol (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, July 12, 2011, regarding an alleged violation of 204 CMR 2.05 (1) (1 count) and 204 CMR 2.05 (2) (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Dennis Keefe's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Dennis Keefe's Report dated April 7, 2011.

There is one (1) tape of this hearing.

**FACTS**

1. On Thursday April 7, 2011, Commission Investigators Kenny, Doyle and Keefe responded to a complaint of gambling on the premises of Club Franco-American De Naturalization D'Athol.
2. Upon entering the premises the investigators observed three (3) electronic devices.
3. The club president told the investigators cash was being paid out on the poker machines.
4. The club manager came to the club and also told the investigators how the club paid the winners on the machines.
5. The manager stated when patrons win they inform him and he organizes the pay out.
6. He then puts the cash in an envelope and they pick it up the next day usually.
7. The manager showed investigators where he keeps the cash and the envelopes.
8. In the safe where they kept the cash, they observed a silver cash box along with the white envelopes.
9. Also, a blue notebook was discovered and contained numbers keeping track of the credits that went in and out of the machines.
10. Investigators asked the manager who owned the machines and he responded that an individual named Dave Duduga owned them.
11. He further stated that Mr. Duduga would come in every Monday and split the winnings.
12. The manager stated the club makes three hundred (300) to four hundred (400) dollars per week.

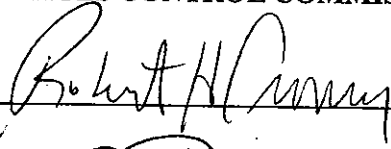
13. The investigators inspected the machines and determined they were being used as gambling devices.
14. The machines accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20).
15. Each machine had a "knock off" button.
16. Each machine had a backup battery in place.
17. Each machine had electronic dialswitches to set odds.
18. Each machine had two (2) meters within the unit to record credits in and credits out.
19. Administrative review of the file indicates a gambling violation by the licensee in 2005.

### CONCLUSION

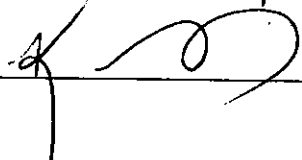
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1) (1 count) and 204 CMR 2.05 (2) (1 count). Therefore, the Commission **suspends the license for a period of ten (10) days of which five (5) days will be served and five (5) days will be held in abeyance for a period of 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. No fine in lieu of suspension will be accepted for this five (5) day suspension.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner



Kim S. Gainsboro, Chairman



Dated: September 22, 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  
Dennis Keefe, Investigator  
Administration  
File