

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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

September 25, 2011

Hudson Lodge #959 B.P.O.E.
91 Park Street
Hudson, MA 01749
License #: 054800012
Heard: August 9, 2011

After a hearing on August 9, 2011, the Commission finds Hudson Lodge #959 B.P.O.E. 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 16, 2011** and terminate on **Thursday, November 17, 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 Friday, November 18, 2011.

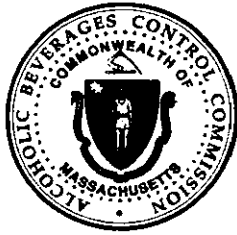
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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

Hudson Lodge #959 B.P.O.E.
91 Park Street
Hudson, MA 01749
License #: 054800012
Heard: August 9, 2011

Hudson Lodge #959 B.P.O.E. (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 9, 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. Licensee's Stipulation of Facts;
2. Investigator Rose Bailey's Report;
3. Business Card of A to Z Quality Vending Co.;
4. Payout Sheets (4); and
5. Red Magnet Padlock;
6. Payout Ledger;
7. Betterment Acct. Bank Deposits; and
8. Bank Statements from January through March 2011.

There is one (1) tape of this hearing.

FACTS

1. On Wednesday, April 20, 2011, Investigators Kujawski and Bailey conducted an investigation of business operation of Hudson Lodge #959 B.P.O.E.
2. The investigators found nine (9) electronic video poker machines in three (3) different rooms.
3. Room #1 contained video devices 1, 2, 3, and 4.
4. Room #2 contained video devices 5 and 6.
5. Room #3 contained video devices 7, 8, and 9.
6. The bartender told the investigators the club paid out cash from the playing of video poker devices.
7. The manager arrived and told the investigators the club paid out on the video poker devices.
8. The manager stated the poker machines are owned by A-Z of Lunenburg. (Ex 3)

9. The manager stated the split is 60/40.
10. The manager stated the bartender is responsible to look at the winning credits and record them on a shift log (Ex 4).
11. The bartender reset the video poker machines to zero (0) by placing a magnetic device (Ex 5) in certain designated areas, per machine, on the monitor.
12. Each day the video poker machine logs are logged in a ledger (Ex 6)
13. The investigators asked for copies of recent deposit slips and bank statements.
14. The treasurer arrived and gathered the financial information requested, providing exhibits 6 and 7 to the investigators.
15. The investigators did an inspection of the video poker machines.
16. The machines accept dollar bills ranging from one (1), five (5), ten (10) and twenty (20).
17. The machines were reset by placing a magnetic device at a specific location on the unit to reset the credits to zero (0).
18. Each machine had a back-up battery in place.
19. Each machine had electronic dipswitches to set odds.
20. Each machine had two (2) meters within the unit to record credits in and credits out.
21. Machine #1 had six hundred (600) dollars in the money bin.
22. Machine #2 had sixty-five (65) dollars in the money bin.
23. Machine #3 had seventy (70) dollars in the money bin.
24. Administrative review of the file indicates this was the first violation by the licensee in over one hundred (100) years of existence.

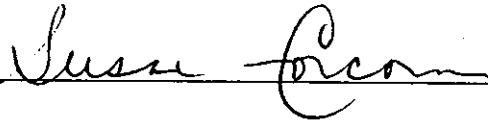
CONCLUSION

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). The licensee has no prior violations. Therefore, the Commission **suspends the license for a period of five (5) days of which two (2) 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.**

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.

Susan Corcoran, Commissioner _____ 

Dated: September 25, 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
David P. Mullen, Esq. via Facsimile
File