

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

October 4, 2011

James A. Deveau, Corp. dba Candlelite Cafe of Templeton, Inc.
712 Patriots Road
Templeton, MA 01468
License#: 126800001
Heard: August 16, 2011

After a hearing on August 16, 2011, the Commission finds James A. Deveau Corp. dba Candlelite Cafe of Templeton, Inc. 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 30, 2011 and terminate on Thursday, December 1, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 30, 2011 at 9:00 A.M. It will be returned to the licensee Friday, December 2, 2011.

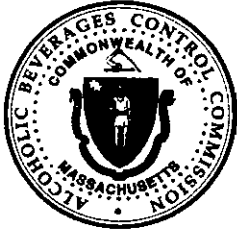
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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

James A. Deveau, Corp. dba Candlelite Cafe of Templeton, Inc.
712 Patriots Road
Templeton, MA 01468
License#: 126800001
Heard: August 16, 2011

James A. Deveau Corp. dba Candlelite Cafe of Templeton, 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 Tuesday, August 16, 2011, regarding an alleged violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and 204 CMR 2.05 (2) on April 14, 2011, detailed in Investigator Rose Bailey's report.

The following documents are in evidence:

1. Investigator Rose Bailey's Report;
2. Envelope containing five (5) dollars in U.S Currency; and
3. Drink Chip.

There is one (1) tape of this hearing.

FACTS

1. On September 23, 2010, Investigators observed the business operation of the James A. Deveau Corp. dba Candlelite Cafe of Templeton, Inc.
2. Investigator Bailey placed five (5) dollars in U.S Currency into one of two (2) electronic poker devices in front of the bar area.
3. Investigator Bailey accumulated twenty-two (22) credits on the machine.
4. Investigator Bailey informed the bartender she wanted to cash out.
5. The bartender reached on the side of the machine and reset the credits to zero (0).
6. Investigator Keefe watched the bartender walk into the kitchen behind the bar and return with five (5) dollars in U.S Currency.
7. On April 7, 2011, the investigators returned and notified the licensee they were conducting an investigation of the licensed premises.
8. After the investigation, investigators were unable to locate any further evidence of illegal gambling.
9. At the hearing, the licensee stated he did not pay out on winnings on the machines.
10. He stated he kept a specific bank of one hundred and seventy (170) dollars in his bar register and he would not allow any money to be removed from it for any purpose.

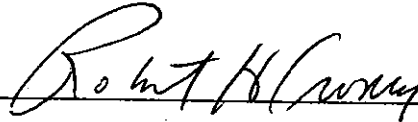
11. The owner stated he kept around eight hundred (800) or nine hundred (900) dollars in the kitchen for refunds and other types of bill payments.
12. No payout slips were found on the premises when the investigators notified the owner on April 7, 2011.
13. Administrative review of the file indicates this was the first violation by the licensee in eleven (11) 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.

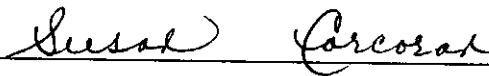
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert Cronin, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Susan Corcoran, Commissioner



Dated: October 4, 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
File