



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

January 5, 2012

LIBADS BAR & GRILLE, LLC
578-58 BROCK AVE.
NEW BEDFORD, MA 02744
LICENSE#: 077800047
HEARD: 11/29/2011

After a hearing on November 29, 2011, the Commission finds Libads Bar & Grille, LLC in violation of 204 CMR 2.05 (1 count) and 204 CMR 2.05 (2) (1 count).

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, February 8, 2012 and terminate on Sunday, February 12, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 8, 2012 at 9:00 A.M. It will be returned to the licensee Monday, February 13, 2012.

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
Dennis Keefe, Investigator
Peter Smola, Esq. via facsimile
Administration
File



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DECISION

LIBADS BAR & GRILLE, LLC
578-58 BROCK AVE.
NEW BEDFORD, MA 02744
LICENSE#: 077800047
HEARD: 11/29/2011

Libads Bar & Grille, LLC (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, November 29, 2011, regarding an alleged violation of 204 CMR 2.05 (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;
2. Investigative Report of Dennis Keefe dated June 23, 2011; and
3. Blue Receipts and Post-It notes.

There is one (1) audio recording of this hearing.

FACTS

1. On June 23, 2011, at approximately 10:00 p.m., Commission Investigators Binienda and Keefe investigated the business operation of Libads Bar & Grille, LLC.
2. Investigators observed one (1) electronic device located at the back of the premises.
3. Investigators identified themselves to the female bartender and asked to speak with the manager or owner.
4. The female bartender placed a call to the manager, and stated that the manager and owner would arrive shortly.
5. Investigators informed the manager of record and co-owner, Jessica DeMelo, and co-owner Dave DeMelo, that they would conduct an inspection of the licensed premises.
6. The owners assisted the investigators.
7. Investigators found documents located in the office of the premises.
8. The documents included a blue note book, labeled P.O. (Payout) book which contained names, points, and cash amounts, columns marked for Poker and for Slot; and ten (10) Post-It® Notes most stating Poker Payout with name, amount, date and initials beneath the date.
9. The owner stated they paid out on the poker machines "because business was tough."

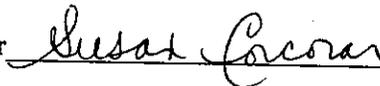
10. The owner stated the value of each accumulated credit was twenty-five (25) cents. When an individual wanted to "cash out" their credits, the individual would see the owner or the bartender on duty.
11. The owner identified the reset button on the side of the machine.
12. Investigators inspected the electronic device and identified several characteristics which indicated the machine was utilized as a gambling device.
13. The machines accepted dollar bills ranging from one (1), five (5), ten (10) and twenty (20).
14. The machines had a "knock off" button in the form of two (2) screws on the side. When a quarter coin was placed on the screws at the same time, the machines reset back to zero (0).
15. Each point was worth twenty-five (25) cents. This is standard value per credit for illegal gambling machines in the Commonwealth of Massachusetts, based on investigators' training and experience.
16. Investigators notified the owners of the violation.
17. Investigators thanked the owners for their cooperation and honesty.
18. Investigators informed the owners a violation report would be filed with the Chief Investigator for review.
19. Administrative review of the licensee's files indicates the licensee has had the license for over fifty (50) years.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1 count) and 204 CMR 2.05 (2) (1 count). Therefore, the Commission **suspends the license for 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 video poker machine or any other automatic amusement device used for gambling.**

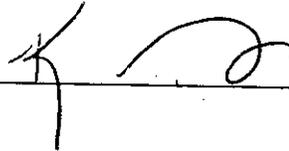
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



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

Kim S. Gainsboro, Chairman



Dated: January 5, 2012

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
 Peter Smola, Esq. via facsimile
 Administration
 File