

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

Steven Grossman
Treasurer and Receiver General

AMENDED
DECISION

Kim J. Gainsboro, Esq.
Chairman

PATRIOT CIVIC CLUB INC. DBA PATRIOT CIVIC CLUB INC.
93 PATRIOT PARKWAY
REVERE, MA 02151
LICENSE#: 102200118
VIOLATION DATE: 03/27/2013
HEARD: 06/25/2013

Patriot Civic Club Inc. dba Patriot Civic Club Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, June 25, 2013, regarding alleged violations of 204 CMR 2.05(1) – Permitting Gambling. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence as exhibits:

1. Licensee's Stipulation of Facts;
2. Investigator Keefe's Investigative Report dated March 27, 2013; and
3. Photograph of Machines.

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

FACTS

1. On Wednesday, March 27, 2013, at approximately 6:20 p.m., Investigators Teehan, Doyle, and Keefe investigated the business operation of Patriot Civic Club Inc. dba Patriot Civic Club Inc. to determine the manner in which their business was being conducted.
2. Upon entering the licensed premises, investigators observed three electronic devices in the bar area. The machines were identified as Fruit Bonus, High Low Double Up Joker Poker, and Cherry Master 96.
3. Investigators identified themselves to the bartender on duty and informed him that they would inspect the bar area.
4. Investigators observed gift cards, in plain view, located to the right of the cash register. The gift cards were \$100 Marriott, \$100 Spa Finder, \$75 Bass Pro, and \$50 Shell.
5. While investigators conducted their inspection, the manager of record, Ernani Storlazzi, arrived on the premises and identified himself to investigators.
6. Investigators asked Mr. Storlazzi if he paid out for winnings on the electronic devices.
7. Mr. Storlazzi stated that they paid out in the form of gift cards. He explained that one must accumulate 400 points to be able to pick a gift card. Staff members kept track of a customer's

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points by writing the number of points on a piece of white paper which was kept next to the cash register.

8. Mr. Storlazzi stated that he believed the machines were owned by Constitution Vending. Every Monday someone from Constitution Vending would come and empty the machines. Constitution Vending and the Patriot Civic Club split the money fifty-fifty.
9. Investigators made the following observations which, based on their training and experience, indicated that these electronic devices were being utilized as gambling devices:
 - Each device had markings that indicated "for amusement only".
 - All the devices accepted dollar bills in US Currency ranging from \$1, \$5, \$10, and \$20. Additionally, the Cherry Master device accepted bills in US Currency of \$50 and \$100.
10. Investigators observed that the Cherry Master device also had a double-up button along with a screen that displayed the odds indicators. There was also a collect button on the left (the knock-off switch) which would print out a receipt.
11. Investigators observed the High Low Double Up Joker Poker device had a collect button on the left (the knock-off switch) which would print out a receipt. There were also odds indicators to the right and left of the screen.
12. Investigators observed the Fruit Bonus device had a collect button on the left (the knock-off switch) which would print out a receipt. There were also odds indicators to the right and left of the screen.
13. Investigators informed Mr. Storlazzi of the violation and that a report would be filed with the Chief Investigator.

CONCLUSION

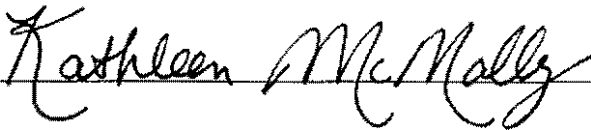
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05(1) – Permitting Gambling. Therefore, the Commission **suspends the license for three (3) days, of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the licensee must not possess in or on the licensed premises any video poker machines.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



DATE: July 10, 2013

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
Michael Teehan, Investigator
Brad Doyle, Investigator
Administration
File