

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

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman
August 26, 2014

PARKSIDE BAR, INC.
220 W. HOUSATONIC ST
PITTSFIELD, MA 01201
LICENSE#: 097400072
VIOLATION DATE: 05/30/2014
HEARD: 08/19/2014

After a hearing on August 19, 2014, the Commission finds Parkside Bar, Inc. in violation of 204 CMR 2.05 (1): Permitting Gambling.

The Commission suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, October 15, 2014, and terminate on Thursday, October 16, 2014. The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 15, 2014 at 9:00 A.M. It will be returned to the licensee Friday, October 17, 2014.

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
Mark Kenny, Investigator
Michael Teehan, Investigator
John S. Day, Esq. via facsimile 617-507-7667
Administration
File

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The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

PARKSIDE BAR, INC.
220 W. HOUSATONIC ST
PITTSFIELD, MA 01201
LICENSE#: 097400072
VIOLATION DATE: 05/30/2014
HEARD: 08/19/2014

Parkside Bar, 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, August 19, 2014, regarding an alleged violation of 204 CMR 2.05 (1): - Permitting Gambling. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kenny's Report.

The following documents are in evidence:

1. Investigator Kenny's Investigative Report dated May 30, 2014;
2. Licensee's Stipulation of Facts.
 - A. Letter dated August 18, 2014 from the United Way;
 - B. List of Licensee's Donations and Sponsorships; and
 - C. Licensee's Permit from the City of Pittsfield for Automatic Amusement Devices.

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

FACTS

1. On Friday, May 30, 2014, at approximately 11:00 p.m., Investigators Teehan and Kenny, along with members of the Pittsfield Police Department, conducted an investigation of the business operation of Parkside Bar, Inc. to determine the manner in which its business was being conducted.
2. Investigators entered the premises and identified themselves to the bartender on duty and conducted an inspection of the premises.
3. Investigators observed two electronic devices, Fruit Bonus and New Fruit Bonus, located in the bar area.
4. Investigators made the following observations, which based on their training and experience, indicate that these electronic devices were being utilized as gambling devices:
 - Each device had markings which indicated "for amusement only".
 - Each device accepted dollar bills ranging from \$1, \$5, \$10, \$20.

- After inserting US currency into the device, an investigator selected the number of credits (the amount to bet). The device "registered" the bet by displaying the number of credits selected.
 - Each device had the capability to double up the bet by selecting a double-up button.
 - Each device had a "knock off" mechanism in the form of push button on the back of the device which, when pressed, reset the winning credits to zero.
5. Investigators spoke to the owner, Robert Casella, about the electronic devices.
 6. Mr. Casella stated to investigators that the bar pays out on the electronic devices. He stated that one dollar gives 10 credits, and the payout is ten cents per point.
 7. Mr. Casella further stated that the vending company which supplies the devices is Buris Vending, and the split between the Parkside and Buris is fifty-percent each.
 8. Investigators informed Mr. Casella of the violation and that a report would be filed with the Chief Investigator for further action.

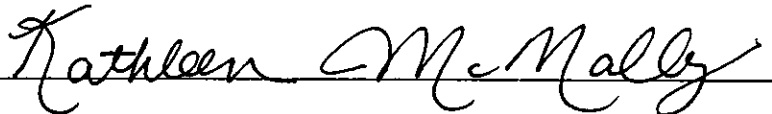
CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1): - Permitting Gambling. Therefore the Commission **suspends the license for 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 devices or video poker machines.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Susan Corcoran, Commissioner



Dated: August 26, 2014

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
 Mark Kenny, Investigator
 Michael Teehan, Investigator
 John S. Day, Esq. via facsimile 617-507-7667
 Administration
 File