

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

JOHN W. MC CORMACK STATE OFFICE BUILDING

ONE ASHBURTON PLACE, BOSTON, MASS. 02108

CAMBRIDGE, MASS.

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

June 27, 1984

Paul Healy
Cambridge City Hall
Cambridge, MA 02139

Dear Mr. Healy:

I am writing to inform you of the recent Superior Court decision in Attorney General v. Frate, Middlesex Superior Court #84-330, June 5, 1984. This decision makes it clear that slot machines cannot be operated at non-profit "Las Vegas Nights" conducted pursuant to c.271, §7A, and that slot machines at these events are subject to seizure. In addition, the decision upholds the Attorney General's regulations governing Las Vegas Nights. See 940 C.M.R. 13.00.

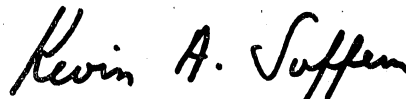
The Attorney General brought this action after an organization holding a Las Vegas Night and the supplier of the slot machine sued Stoneham Chief of Police Eugene Passaro who had seized the slot machine. Attorney General Bellotti intervened in this suit and alleged that slot machines are a violation of G.L. c.271, §7A, the Las Vegas Night statute, and of the Attorney General's regulations which govern these events.

As you know, the Attorney General has been concerned for a number of years about the growing professionalism of Las Vegas Nights. G.L. c.271, §7A states that these events can be operated only by members of the non-profit organization. Since 1980, the Attorney General, through the Division of Public Charities, has sued 17 casino equipment suppliers for providing professional dealers. In the Attorney General's view, slot machines, like professional dealers, are not operated by and thus are not under the control of the organization. Superior Court Judge John Paul Sullivan agreed, and held that slot machines are "by definition" in violation of the Las Vegas Night statute.

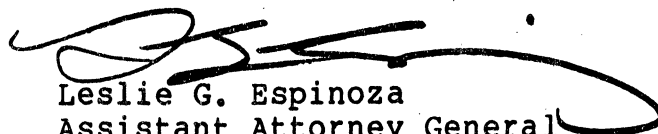
The Attorney General also contended that operation of the slot machine at this Las Vegas Night violated his regulations. In particular, the contract for supply of the machine called for it to be operated continuously for 1 year. The Attorney General's regulations limit an organization to two events a year, each not to last more than 5 consecutive hours. The Attorney General's authority to issue these regulations was challenged in this litigation as well, but Judge Sullivan upheld their validity.

City and town clerks, as the issuers of raffle and bazaar (Las Vegas Night) permits, serve as a major source of information and guidance to sponsoring organizations. The Frate decision not only prohibits use of slot machines in the Commonwealth but also upholds the regulations governing Las Vegas Nights. This decision supports the continuing efforts by both local authorities, such as yourself, and the Attorney General to guard against abuses in charitable gambling. If you have any questions regarding the decision or Las Vegas nights generally, please feel free to contact this Division.

Sincerely,



Kevin A. Suffern, Director
Division of Public Charities
Public Protection Bureau
(617) 727-2235



Leslie G. Espinoza
Assistant Attorney General
Division of Public Charities
Public Protection Bureau

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S-488

Comm. from Kevin A. Suffern, Dir., Div. of
Public Charities, Public Protection Bureau &
Leslie G. Espinoza, Asst. Attorney General
Re: decision in the Attorney General v.
Frate case making it clear that slot machines
can not be operated at non-profit Las Vegas
Nights.

In City Council,

August 15, 1984

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