



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chair

NOTICE OF SUSPENSION

January 6, 2020

**YUN LIN FOOD SERVICE INC. D/B/A LEE'S DYNASTY ASIAN FUSION
131 COLUMBIA ST.
ADAMS, MA 01220
LICENSE#: 03436-RS-0100
VIOLATION DATE: 9/5/2019
HEARD: 12/10/2019**

After a hearing on December 10, 2019, the Commission finds Yun Lin Food Service Inc. d/b/a Lee's Dynasty Asian Fusion violated 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.

The Commission suspends the license for three (3) days of which one (1) day will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur

The suspension shall be served on Monday, February 24, 2020. The license shall be delivered to the Local Licensing Board or its designee on Monday, February 24, 2020 at 9:00 a.m. It will be returned to the licensee on February 25, 2020.

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 which must be signed by the Licensee and 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



Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicholas Velez, Investigator
Nicole Smith, Investigator
Administration, File



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Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chair

DECISION

**YUN LIN FOOD SERVICE INC. D/B/A LEE'S DYNASTY ASIAN FUSION
131 COLUMBIA ST.
ADAMS, MA 01220
LICENSE#: 03436-RS-0100
VIOLATION DATE: 9/5/2019
HEARD: 12/10/2019**

Yun Lin Food Service Inc. d/b/a Lee's Dynasty Asian Fusion (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, December 10, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Smith's Report.

The following documents are in evidence:

1. Investigator Smith's Compliance Check Field Report;
2. Licensee Stipulation of Fact;
3. Copy of New License Application Approval, 6/27/2017.

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

FACTS

1. On Thursday, September 5, 2019, at approximately 5:22 p.m., Investigators Velez and Smith ("Investigators") conducted an investigation of the business operation of Yun Lin Food Service Inc. d/b/a Lee's Dynasty Asian Fusion.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a bottle of Bud Light beer, for four dollars and one cent (\$4.01). The underage operative was not asked for identification.
3. The employee who sold the alcoholic beverage to the underage operative was the Licensee's son, who was 13 years of age.

4. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017 with no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for three (3) days of which one (1) day will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

Jean M. Lorizio, Chairman

Dated: January 6, 2020

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.

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