



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

January 10, 2023

**PANDA ENTERPRISES INC. D/B/A PANDA EAST
103 NORTH PLEASANT ST.
AMHERST, MA 01002
LICENSE#: 02866-RS-0024
VIOLATION DATE: 3/07/2020
HEARD: 12/14/2021**

After a hearing on December 14, 2021, the Commission finds Panda Enterprises Inc. d/b/a Panda East violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (10 Counts). The Commission **suspends the license for a period of 10 days to be served.**

The suspension shall commence on Monday, February 27, 2023, and terminate on Wednesday, March 8, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, February 27, 2023, at 9:00 A.M. It will be returned to the licensee on March 9, 2023.

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
Brian Gould, Investigator
Robert Gardner, Investigator
Nicholas Velez, Investigator
Thomas Rooke, Esq.
Administration, File



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DECISION

**PANDA ENTERPRISES INC. D/B/A PANDA EAST
103 NORTH PLEASANT ST.
AMHERST, MA 01002
LICENSE#: 02866-RS-0024
VIOLATION DATE: 3/07/2020
HEARD: 12/14/2021**

Panda Enterprises Inc. d/b/a Panda East (the “Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Tuesday, December 14, 2021, regarding alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (10 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Gould’s Report.

The following documents are in evidence:

1. Investigator Gould’s Investigative Report;
2. Licensee’s Accela Summary Page, Transfer of License approved, 11/17/2016;
3. Town of Amherst Decision, 1/12/2016;
4. Town of Amherst Decision, 4/25/2016;
5. Licensee’s Stipulation of Facts.

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

FINDINGS OF FACT

1. Panda Enterprises Inc. d/b/a Panda East (“Licensee” or “Panda East”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 12.
2. On Saturday, March 7, 2020, at approximately 8:20 p.m., Investigators Gardner, Velez, and Gould (“Investigators”) inspected Panda Enterprises Inc. d/b/a Panda East (“Licensee” or “Panda East”) to determine the manner in which its business was being conducted.
3. Investigators entered the licensed premises and observed multiple youthful appearing individuals, seated at tables in the rear of the restaurant, in possession of what appeared to be alcoholic beverages.

4. Underage #1, actual date of birth 12/16/1999 (age 20) was in possession of a Scorpion Bowl mixed drink. She stated that she had not presented any identification when entering the premises.
5. Underage #2, actual date of birth 8/25/2000 (age 19) was in possession of a Scorpion Bowl mixed drink. She stated that she had not presented any identification when entering the premises.
6. Underage #3, actual date of birth 8/10/1999 (age 20) was in possession of a Scorpion Bowl mixed drink. She stated that she had not presented any identification when entering the premises.
7. Underage #4, actual date of birth 11/06/1999 (age 20) was in possession of a Scorpion Bowl mixed drink. He stated that he had not presented any identification when entering the premises.
8. Underage #5, actual date of birth 6/19/2000 (age 19) was in possession of a Scorpion Bowl mixed drink. He stated that he had not presented any identification when he entered the premises.
9. Underage #6, actual date of birth 5/27/1999 (age 20) was in possession of a Scorpion Bowl mixed drink. He stated that had presented a fraudulent Florida driver's license bearing the name and date of birth of another individual.
10. Underage #7, actual date of birth 10/03/2001 (age 18) was in possession of a Scorpion Bowl mixed drink. She stated that she had not present any identification when she entered the premises.
11. Underage #8, actual date of birth 1/07/2001 (age 19) was in possession of a Scorpion Bowl mixed drink. She stated that she had not presented any identification when she entered the premises.
12. Underage #9, actual date of birth 3/20/2001 (age 18) was in possession of a Scorpion Bowl mixed drink. He stated that he had not presented any identification when entering the premises.
13. Underage #10, actual date of birth 11/02/2000 (age 19) was in possession of a Scorpion Bowl mixed drink. He stated he had presented a fraudulent Massachusetts driver's license bearing his own name and personal information but with an altered date of birth.
14. Investigators identified the underage individuals to the manager, Yi Ching Chiang, and advised Mr. Chiang that a report would be submitted to the Chief Investigator for further action.

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, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (10 Counts). Therefore, the Commission **suspends the license for a period of 10 days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman Jean M. Lorizio

Crystal Matthews, Commissioner Crystal Matthews

Deborah Baglio, Commissioner Deborah A. Baglio

Dated: January 10, 2023

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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2021-000058-ad-enf

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