

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

**Jean M. Lorizio, Esq.**  
Chairman

**DECISION**

**J. CHEN & RUIE FAMILY CORP.  
D/B/A MOOTONE FINE JAPANESE RESTAURANT  
15 RAILROAD STREET, #3  
ANDOVER, MA 01810  
LICENSE#: 0026-00041  
VIOLATION DATE: 5/02/2019  
HEARD: 8/13/2019**

J. Chen & Ruie Family Corp. d/b/a Mootone Fine Japanese Restaurant (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, August 13, 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 Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Compliance Check Field Report;
2. Licensee Stipulation of Fact; and
3. Copy of Licensee's License Application.

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

**FACTS**

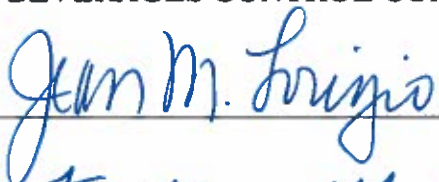
1. On Thursday, May 2, 2019, at approximately 6:18 p.m., Investigators Bailey and Doyle ("Investigators") investigated the business of J. Chen & Ruie Family Corp. d/b/a Mootone Fine Japanese Restaurant.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a bottle of Bud Light beer for four dollars and sixty-five cents (\$4.65). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 12 since 2014 with no prior violations.

## CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 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). Therefore, the Commission issues a **WARNING**.

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: August 13, 2019

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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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Brad Doyle, Investigator  
Rose Bailey, Investigator  
Administration, File