

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

November 28, 2011

R & Y ENTERPRISES, INC DBA YING'S SUSHI BAR & LOUNGE
59 CENTER STREET
BARNSTABLE, MA 02601
LICENSE #: 007000228
HEARD: MAY 31, 2011

After a hearing on May 31, 2011, the Commission finds R & Y Enterprises, Inc. dba Ying's Sushi Bar & Lounge in violation of M.G.L. c.138, §34.

The Commission **suspends the licensee's license for a total of three (3) days to be served.** The suspension shall commence on **Wednesday, January 4, 2012 and terminate on Friday, January 6, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 4, 2012 at 9:00 A.M. It will be returned to the licensee Saturday, January 7, 2012.

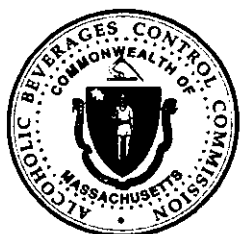
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Jamie Binienda, Investigator
Administration
File



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DECISION

R & Y ENTERPRISES, INC DBA YING'S SUSHI BAR & LOUNGE
59 CENTER STREET
BARNSTABLE, MA 02601
LICENSE #: 007000228
HEARD: MAY 31, 2011

R & Y Enterprises, Inc. dba Ying's Sushi Bar & Lounge (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 31, 2011, regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jamie Binienda's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report dated April 11, 2011.

There is one (1) tape of this hearing.

FACTS

1. On, April 11, 2011 at approximately 6:12 p.m., Commission Investigators investigated the business operation R & Y Enterprises, Inc. dba Ying's Sushi Bar & Lounge
2. An underage operative, working with the investigators, was in possession of a Bud Light. The underage operative was not asked for identification.
3. Administrative review of the licensee's files indicates a prior violation in October 2008.


CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for six (6) days of which three (3) 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.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner 

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

Kim S. Gainsboro, Chairman 

Dated: November 28, 2011

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
Jamie Binienda, Investigator
Administration
File