



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

Jean M. Lorizio, Esq.
Chair

NOTICE OF SUSPENSION

September 24, 2019

**FUCHENG CATERING (USA) CO. LTD. D/B/A PURPLE BAMBOO
265 BOSTON ROAD
BILLERICA, MA 01821
LICENSE#: 010600075
VIOLATION DATE: 5/29/2019
HEARD: 9/10/2019**

After a hearing on September 10, 2019, the Commission finds Fucheng Catering (USA) Co. Ltd. d/b/a Purple Bamboo violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under § 22A (2 Counts).

The Commission suspends the license for five (5) days of which two (2) 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.

The suspension shall commence on Tuesday, November 12, 2019 and terminate on Wednesday, November 13, 2019. The license will be delivered to the Local Licensing Board or its designee on Tuesday, November 12, 2019 at 9:00 A.M. It will be returned to the licensee on November 14, 2019.

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.

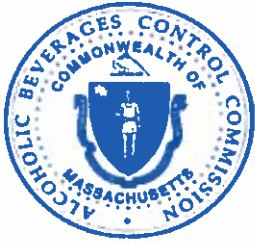
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Timothy Hooton, Investigator
Caroline Guarino Wilichoski, Investigator
Administration, File



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chair

DECISION

**FUCHENG CATERING (USA) CO. LTD. D/B/A PURPLE BAMBOO
265 BOSTON ROAD
BILLERICA, MA 01821
LICENSE#: 010600075
VIOLATION DATE: 5/29/2019
HEARD: 9/10/2019**

Fucheng Catering (USA) Co. Ltd. d/b/a Purple Bamboo (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September, 10, 2019, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under § 22A (2 Count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Hooton's Report.

The following documents are in evidence:

1. Investigator Hooton's Investigative Report;
2. Licensee's Stipulation of Facts;
3. Receipt for Purchase of Alcohol;
4. Receipt for Purchase of Alcohol; and
5. Copy of Licensee's Application Approved 4/16/2015.

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

FINDINGS OF FACT

1. On Wednesday, May 29, 2019, at approximately 2:15 p.m., Investigators Wilichoski and Hooton ("Investigators") conducted an investigation of the business operation of Fucheng Catering (USA) Co. Ltd. d/b/a Purple Bamboo to determine the manner in which its business was being conducted and to investigate a complaint filed with this Commission.
2. Investigators entered the licensed premises and identified themselves to the owner, Julian Zhao, and asked to see some of the wholesalers' invoices for liquor purchases.

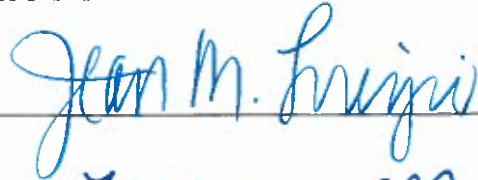
3. Investigators then asked Mr. Zhao if he ever goes to a § 15 retail package store to purchase his alcoholic beverages. Zhao informed Investigators that on occasion he has gone to the New Hampshire State Liquor Store to purchase alcohol.
4. Zhao then gave to Investigators two receipts, one dated 4/3/2019 and the other receipt dated 5/15/2019, from the New Hampshire State Liquor Store. The total for these purchases of various brands of alcoholic beverages was \$764.65.
5. Investigators informed Mr. Zhao of the violation and that a report would be filed with the Chief Investigator for further action.
6. The Licensee has held a license under M.G.L. c. 138, § 12 since 2015 with no prior violations.

CONCLUSION

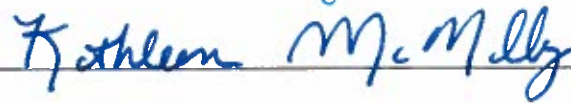
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under § 22A (2 Counts). Therefore, the Commission **suspends the license for five (5) days of which two (2) 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

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: September 24, 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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