



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

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**NAGOYA FUSION INC.**  
**793 CRESCENT STREET**  
**BROCKTON, MA 02301**  
**LICENSE#: 014400248**  
**VIOLATION DATE: 05/15/2015**  
**HEARD: 09/15/2015**

Nagoya Fusion Inc. (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 15, 2015, regarding an alleged violation of M.G.L. c. 138, § 23 Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a Special License under §22A (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Report dated June 9, 2015; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

**FACTS**

1. On Friday, May 15, 2015, at approximately 4:30 p.m., Investigators Teehan and Temple ("Investigators") conducted an investigation of the business operation of Nagoya Fusion Inc. to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and identified themselves to the owner, Xuelin Zheng, and inspected the bar.
3. Investigators observed in the refrigerator, bottles of Budweiser and Budweiser Light beer that read "non- returnable bottle" on the label.

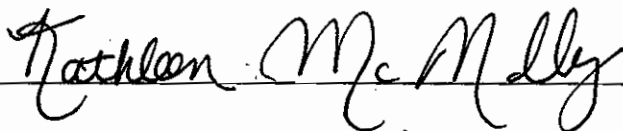
4. Investigators proceeded into the storage area and observed four 18-packs of Budweiser Light beer, two 18-packs of Budweiser beer, a case of Heineken beer, one 18-pack of Heineken beer, and six bottles of Heineken beer in an 18-pack box of Heineken beer.
5. Mr. Zheng had no knowledge of where the alcohol was ordered and could not provide invoices for the alcohol.
6. The alcohol was taken as evidence and Investigator Teehan informed Mr. Zheng of the violation and that a report would be filed with the Chief Investigator for further action.

#### CONCLUSION

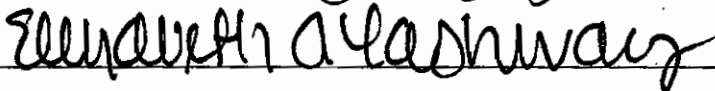
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 23 Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a Special License under §22A (1 Count). Therefore, the Commission **suspends the license for three (3) days of which 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

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: September 15, 2015

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  
Michael Teehan I Investigator  
Chris Temple, Investigator  
John P. Connell Esq., via facsimile 617-227-3222  
Administration  
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