

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

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

February 26, 2016

GOLDEN TEMPLE INC. D/B/A GOLDEN TEMPLE RESTAURANT
1649 – 1651 BEACON ST.
BROOKLINE, MA 02445
LICENSE#: 014800015
VIOLATION DATE: 10/23/2015
HEARD: 02/23/2016

After a hearing on February 23, 2016, the Commission finds Golden Temple Inc. d/b/a Golden Temple Restaurant violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 count).

Therefore the Commission **suspends the license for a period of four (4) days of which two (2) days will be served, and two (2) 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 Wednesday, April 13, 2016 and terminate on Thursday, April 14, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 13, 2016 at 9:00 A.M. It will be returned to the licensee Friday, April 15, 2016.

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

Kim S. Gainsboro
 Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
Mark Kenny, Investigator
Philip A. Tracy Jr., Esq. via facsimile 617-523-2346
Administration
File



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Department of the State Treasurer
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DECISION

GOLDEN TEMPLE INC. D/B/A GOLDEN TEMPLE RESTAURANT
1649 - 1651 BEACON ST.
BROOKLINE, MA 02445
LICENSE#: 014800015
VIOLATION DATE: 10/23/2015
HEARD: 02/23/2016

Golden Temple Inc. d/b/a Golden Temple Restaurant (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, February 23, 2016, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §69-Sale or delivery of an alcoholic beverage to an intoxicated person (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 Investigative Report dated October 27, 2015; and
 2. Licensee's Stipulation of Facts.
- A. Resume of Major R. Kuong; and
B. Resume of Lt. R. Flood.

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

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

FACTS

1. On Friday, October 23, 2015, at approximately 10:55 p.m., Investigators Wilichoski, Teehan, Kenny, Bailey, and Temple ("Investigators") along with Chief Investigator Mahony, investigated the business operation of Golden Temple Inc. d/b/a Golden Temple Restaurant to determine the manner in which their business was being conducted.
2. At approximately 10:20 p.m., Investigators entered the licensed premises and observed an individual, John, who appeared to be intoxicated.
3. Investigators observed John and another male standing directly in front of the bar, each in possession of a mixed drink.

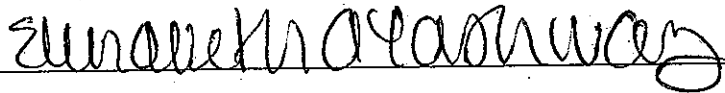
4. Investigators observed that John appeared to be unsteady on his feet, swaying back and forth. John's movements appeared to be slow and at one point he staggered into Investigators. Based on their training and experience, Investigators formulated the opinion that John was intoxicated.
5. At approximately 10:55 p.m., John, while standing in direct line of sight of the bartender on duty, was delivered a mixed drink.
6. Investigators and the security staff observed John acting inappropriately to female patrons. At that point, security staff escorted John outside of the licensed premises
7. Investigators identified themselves to security staff member Richard Kuong.
8. Mr. Kuong had had an opportunity to observe John, and he indicated that John was intoxicated.
9. A male individual provided John with safe transport home.
10. Investigators informed Mr. Kuong 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 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore the Commission **suspends the license for a period of four (4) days of which two (2) days will be served, and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

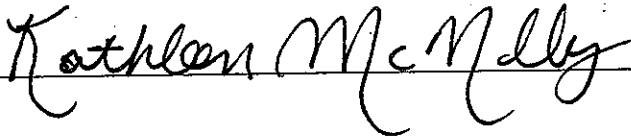
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner



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

Kathleen McNally, Commissioner



Dated: February 26, 2016

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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