



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

**Jean M. Lorizio, Esq.**  
Chair

**DECISION**

**LAS PUPUSAS DEL CHINO INC.  
92 WASHINGTON AVENUE  
CHELSEA, MA 02150  
LICENSE#: 00078-RS-0202  
HEARD: 12/9/2020**

This is an appeal from the action of the City of Chelsea Licensing Board (the "Local Board" or "Chelsea") in voting to revoke the § 12 wines and malt beverages license of Las Pupusas Del Chino Inc. (the "Licensee" or "Las Pupusas") located at 92 Washington Avenue, Chelsea, MA. The Licensee timely appealed the Local Board's decision to the Alcoholic Beverages Control Commission (the "Commission" or "ABCC"), and a hearing was held on Wednesday, December 9, 2020.

The following documents are in evidence as exhibits:

1. Local Board Decision, 6/29/2020;
2. 2020 Wines and Malt Beverages License of Las Pupusas Del Chino Inc.;
3. Chelsea Police Report #20-171-AR, 3/5/2020;
- 4a. Video Footage from Las Pupusas Del Chino Inc., 3/5/2020;
- 4b. Video Footage from City of Chelsea, 3/5/2020;
5. Rules and Regulations of the City of Chelsea Licensing Commission;
6. Local Board Notice of Hearing, 6/3/2020;
- 7A. Local Board Decision re: Las Pupusas del Chino Inc., 7/25/2014;
- 7B. Local Board Decision 2018-3 re: Las Pupusas del Chino Inc., 9/4/2018;
- 7C. Local Board Decision 2019-8 re: Las Pupusas del Chino Inc., 4/9/2019;
- 7D. ABCC Decision re: Gran Chimu, Inc., 12/16/2015;
- 7E. Local Board Decision 2016-2 re: Chappy Pantry, Inc., 4/4/2016;
- 7F. Local Board Decision 2019-4 re: Fine Mart, LLC, 3/14/2019;
- 7G. Local Board Decision 2019-6 re: Wings El Corral, Inc., 4/9/2019;
- 7H. ABCC Decision re: Fannie's Place, Inc., 10/4/2019;
- 7J. Local Board Decision 2019-9 re: Moe Brothers LLC, 5/3/2019;
- 7K. Local Board Decision 2019-11 re: Tu Casa Corp., 10/8/2019;
- 7M. Local Board Decision 2020-4 re: Manotas Corp., 9/2/2020.

At the close of the hearing, the Commission left the record open for the City of Chelsea to submit a post-hearing memorandum by January 4, 2021 with Las Pupusas' response due by January 18, 2021. Each Party submitted its own memorandum in a timely manner. The record is now closed.

There is one audio recording of this hearing and two (2) witnesses testified.

### FINDINGS OF FACT

The Commission makes the following findings based on the evidence presented at the hearing:

1. Las Pupusas Del Chino, Inc. ("Licensee" or "Las Pupusas"), holds a § 12 wines and malt beverages license and operates a business at 92 Washington Avenue, Chelsea, Massachusetts. The Licensee has held a § 12 wines and malt beverages license since 1999. (Testimony, Exhibit 2)
2. Mr. Gustavo Serna ("Mr. Serna") is President, Treasurer, and Secretary of Las Pupusas Del Chino, Inc. Lucia Lopez is the Manager of Record and a director for the Licensee corporation. Nancy Serna is a director of the corporation. (Exhibit 2)
3. On Thursday, March 5, 2020, at approximately 9:49 p.m., Chelsea Police Officers Meehan and McLaughlin responded separately to a call for a motor vehicle accident on Washington Avenue, Chelsea. (Testimony, Exhibit 3)
4. Officer Meehan was first on scene and made the initial observations of the male motor vehicle driver. Id.
5. Upon arrival to the scene, Officer McLaughlin observed a black pickup truck facing the wrong direction and positioned diagonally on top of another vehicle. Damage to two parked vehicles was also observed. As Officer McLaughlin gathered information about the damaged motor vehicles, Officer Meehan conducted a Field Sobriety Test. Officer McLaughlin did not witness the full Field Sobriety Test and did not hear any statements made by the driver. Id.
6. The driver presented a temporary paper license which showed he was twenty (20) years old. Id.
7. Officer Meehan transported the driver to Chelsea Police Headquarters where Officer McLaughlin then observed his speech was slurred, his eyes were glazed over, and his breath smelled of alcohol. Id.
8. On March 6, 2020, Officer McLaughlin was advised by Officer T. Murphy that the driver made a statement that he may have been drinking at Las Pupusas. Id.
9. On March 9, 2020, at approximately 6:17 p.m., Officer McLaughlin visited Las Pupusas and spoke with Mr. Serna. Officer McLaughlin informed the Licensee she was investigating an incident and delivered a video surveillance request. Later that same evening, Mr. Serna returned the thumb drive containing the requested video to Chelsea Police Headquarters. Id.
10. The video surveillance provided by Las Pupusas shows the driver inside the establishment and drinking from a bottle which had no distinguishable label or characteristics. The video also does not show him being served by an employee of the Licensee. The video time stamp shows him drinking at approximately 8:50 pm, taking his last sip at approximately 9:03 p.m., and leaving the establishment at approximately 9:14 pm. (Testimony, Exhibit 4a)

11. Approximately thirty-five (35) minutes elapsed between the patron leaving the licensed premises and Chelsea Police responding to the scene of the accident. (Testimony, Exhibit 3)
12. On Monday, March 16, 2020, Officer McLaughlin delivered to Las Pupusas a second video surveillance request for an additional seven to nine hours of video surveillance. The video was due by March 19, 2020. (Testimony, Exhibit 3)
13. On Friday, March 21, 2020, Officer McLaughlin contacted Mr. Serna to inquire about the additional video surveillance which had not yet been received. On Monday March 23, 2020, Mr. Serna informed Officer McLaughlin that the video surveillance “was gone.” Mr. Serna stated the video system could not store video surveillance for that long. Id.
14. On June 3, 2020, the Local Board issued notice for a public hearing related to Las Pupusas and Chelsea Police Report #20-171-AR. (Exhibit 6)
15. On June 18, 2020, the Local Board held a hearing on the alleged violations of: M.G.L. Ch. 138, § 34 and City of Chelsea Licensing Commission Rules and Regulations, Section 2.08(f) and (i), Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age; M.G.L. Ch. 138, § 69 and City of Chelsea Licensing Commission Rules and Regulations, Section 2.08(p), Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person; and City of Chelsea Licensing Commission Rules and Regulations, Local Rule 2.09(h), Failing to maintain for thirty days video surveillance footage of the licensed premises. (Exhibit 1)
16. By decision dated June 29, 2020, the Local Board found the Licensee in violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit:
  - M.G.L. Ch. 138, § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person;
  - M.G.L. Ch. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age;
  - Chelsea License Regulations 2.09(h) failing to maintain for 30 days video surveillance footage of the licensed premises;and the Local Board voted to revoke the license of Las Pupusas. Id.
17. With regard to prior disciplinary action, the Local Board found three previous violations against the Licensee: (1) July 2014, a three-day suspension for creating a public nuisance; (2) September, 2018, a one-day suspension for failure to maintain an operational video surveillance system; and (3) July 2019, a reduction in hours for allowing dancing on premises. (Exhibit 1, Exhibit 7A, Exhibit 7B, Exhibit 7C)
18. The Licensee timely appealed the Local Board’s decision to the ABCC. (Commission Records)

## DISCUSSION

Pursuant to M.G.L. Ch. 138, § 67, “[t]he ABCC is required to offer a de novo hearing, that is to hear evidence and find the facts afresh. As a general rule, the concept of a hearing de novo precludes giving evidentiary weight to the findings of the tribunal from whose decision an appeal was claimed.” Dolphino Corp. v. Alcoholic Beverages Control Comm’n, 29 Mass. App. Ct. 954, 955 (1990) (citing United Food Corp. V. Alcoholic Beverages Control Comm’n, 375 Mass. 240 (1978); Devine v. Zoning Bd. of Appeal of Lynn, 332 Mass. 319, 321 (1955); Josephs v. Bd. of Appeals of Brookline, 362 Mass. 290, 295 (1972)). The findings of a local licensing board are “viewed as hearsay evidence, [and] they are second-level, or totem pole hearsay, analogous to the non-eyewitness police reports in Merisme v. Board of Appeals on Motor Vehicle Liab. Policies and Bonds, 27 Mass. App. Ct. 470, 473-476 (1989).” Id.

Both the Local Board and the Commission have the authority to grant, revoke, and suspend licenses. Their powers were authorized “to serve the public need and . . . to protect the common good.” M.G.L. c. 138, § 23. “[T]he purpose of discipline is not retribution but the protection of the public.” Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given “comprehensive powers of supervision over licensees,” Connolly v. Alcoholic Beverages Control Comm’n, 334 Mass. 613, 617 (1956), as well as broad authority to issue regulations. The Local Board has authority to enforce Commission regulations. New Palm Gardens, Inc. v. Alcoholic Beverages Control Comm’n, 11 Mass. App. Ct. 785, 788 (1981).

These “comprehensive powers” are balanced by the requirement that the Local Board and the Commission provide notice to the licensee of any violations, as well as an opportunity to be heard. M.G.L. c. 138, §64. In addition, the Local Board has the burden of producing satisfactory proof that the licensee violated or permitted a violation of any condition thereof, or any law of the Commonwealth. M.G.L. c. 138, §§ 23, 64.

The Licensee’s obligation under 204 C.M.R. 2.05(2) to maintain control over the premises and to comply with Chapter 138 and local regulations is well-settled. The responsibility of the Licensee is to “exercise sufficiently close supervision so that there is compliance with the law on the premises.” Rico’s of the Berkshires, Inc. v. Alcoholic Beverages Control Comm’n, 19 Mass. App. Ct. 1026, 1027 (1985) (table). A licensee who sells alcohol is “bound at his own peril to keep within the condition of his license.” Burlington Package Store, Inc. v. Alcoholic Beverages Control Comm’n, 7 Mass. App. Ct. 186, 190 (179); accord Commonwealth v. Gould, 158 Mass. 499, 507 (1893). “It is, thus, quite possible for a Licensee to offend the regulatory scheme without scienter.” Rico’s of the Berkshires, 19 Mass. App. Ct. at 1027.

The Local Board has the burden of producing satisfactory proof that the licensee violated or permitted a violation of any condition thereof, or any law of the Commonwealth. M.G.L. c. 138, §§ 23, 64. There must be substantial evidence that a violation has occurred. “Substantial evidence of a violation is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” Consol. Edison Co. of New York v. N.L.R.B., 305 U.S. 197, 229 (1938); accord Charlesbank Rest. Inc. v. Alcoholic Beverages Control Comm’n, 12 Mass. App. Ct. 879 (1981).

### ***Service to an Intoxicated Person***

The Licensee is charged with service to an intoxicated person in violation of M.G.L. c. 138, § 69 and Local Rule 2.08(p)<sup>1</sup>. “No alcoholic beverage shall be sold or delivered on any premises licensed under this chapter to an intoxicated person.” M.G.L. c. 138, § 69. “[A] tavern keeper licensed does not owe a duty to refuse to serve liquor to an intoxicated patron unless the tavern keeper knows or reasonably should have known that the patron is intoxicated.” Vickowski v. Polish Am. Citizens Club of Deerfield, Inc., 422 Mass. 606, 609 (1996) (*quoting* Cimino v. Milford Key, Inc., 385 Mass. 323, 327 (1982)). “The negligence lies in serving alcohol to a person who already is showing discernible signs of intoxication.” *Id.* at 610; *accord* McGuiggan v. New England Tel. & Tel. Co., 398 Mass. 152, 161 (1986).

In order to prove this violation, the Local Board must show: (1) that an individual was intoxicated on the licensed premises; (2) that an employee of the licensed premises knew or reasonably should have known that the individual was intoxicated; and (3) that after the employee knew or reasonably should have known that the individual was intoxicated, the employee sold or delivered an alcoholic beverage to the intoxicated individual. Vickowski, 422 Mass. at 609. A Local Board must produce some evidence that “the patron in question was exhibiting outward signs of intoxication by the time he was served his last alcoholic drink.” Rivera v. Club Caravan, Inc., 77 Mass. App. Ct. 17, 20 (2010). As explained in Vickowski,

The imposition of liability on a commercial establishment for the service of alcohol to an intoxicated person..., often has turned, in large part, on evidence of obvious intoxication at the time a patron was served. See Cimino, 385 Mass. At 325, 328 (patron was “totally drunk”; “loud and “vulgar”); Gottlin v. Graves, 40 Mass. App. Ct. 155, 158 (1996) (acquaintance testified patron who had accident displayed obvious intoxication one hour and twenty minutes before leaving bar); Hopping v. Whirlaway, Inc., 37 Mass. App. Ct. 121 (1994) (sufficient evidence for jury where acquaintance described patron who later had accident as appearing to feel “pretty good”). *Contrast* Makynen v. Mustakangas, 39 Mass. App. Ct. 309, 314 (1995) (commercial establishment could not be liable when there was no evidence of obvious intoxication while patron was at bar); Kirby v. Le Disco, Inc., 34 Mass. App. Ct. 630, 632 (1993) (affirming summary judgment for defendant in absence of any evidence of obvious intoxication); Wiska v. St. Stanislaus Social Club, Inc., 7 Mass. App. Ct. 813, 816-817 (1979) (directed verdict in favor of commercial establishment affirmed when there was no evidence that patron was served alcohol after he began exhibiting obvious signs of intoxication).

422 Mass. at 610.

In this matter, the Local Board only produced direct evidence, in the form of video surveillance, regarding the patron’s being present on the licensed premises, but no eyewitnesses or direct evidence as to the Licensee selling an alcoholic beverage to the patron in question. Although Captain Houghton and Officer McLaughlin testified before the Commission and were found to be professional and credible, neither was inside the licensed premises on the night of the incident. As

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<sup>1</sup> Local Rule 2.08(p) states, “alcoholic beverage licensees are forbidden to make a sale or delivery of alcoholic beverages or alcohol to a person who is intoxicated.” (Exhibit 5)

a result, neither has direct knowledge of any of the elements necessary to support a violation of M.G.L. Ch. 138, § 69.

Without sufficient evidence, the Commission must resist the temptation to reason backwards to find that a person was manifestly intoxicated before being involved in or causing an accident. In Royal Dynasty, Inc. v. ABCC, Suffolk Superior Court C.A. No. 03-1411 (Billings, J.) (December 9, 2003), the Superior Court reversed the Commission decision which found a violation of M.G.L. c. 138, § 69. The Superior Court described the facts in that case as “a horrific fatal accident, the extraordinarily reckless behavior by two recently-departed Royal Dynasty patrons that caused it, the failed PBT [portable breathalyzer test] and field sobriety tests at the scene, and the evident absence of another source of alcohol for either man.” Royal Dynasty, at 10. The Superior Court acknowledged that with those facts, “it is tempting to reason backward to draw the conclusion that they [the allegedly intoxicated patrons] must have been visibly intoxicated when served.” Id. However, the elements necessary to prove a violation of M.G.L. c. 138, § 69 require the presence of a visibly intoxicated person in or on the licensed premises, followed by a sale or delivery of an alcoholic beverage to that visibly intoxicated person.

For these reasons, the Commission is persuaded and finds the Local Board has not proved by legally competent evidence that the Licensee violated M.G.L. c. 138, § 69 and Local Rule 2.08(p).

***Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age***

The Licensee is charged with sale or delivery of alcoholic beverage or alcohol to a person under 21 years of age in violation of M.G.L. c. 138, § 34 and Local Rule 2.08 (f)<sup>2</sup> and (i)<sup>3</sup>. Massachusetts General Laws chapter 138, § 34 provides, in part, “[whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age...or whoever, furnishes any such beverage or alcohol for a person under 21 years of age shall be punished... .” “For the purpose of this section the word “furnish” shall mean to knowingly or intentionally supply, give or provide to or to allow a person under 21 years of age... to possess alcoholic beverages on premises or property owned or controlled by the person charged.”

The Appeals Court has stated that “the purposes of the statute [is] to protect the welfare of children from the danger of alcohol,” *see Tobin v. Norwood Country Club, Inc.*, 422 Mass. 126, 133-134 (1996). Fran’s Lunch, Inc. v. Alcoholic Beverages Control Commission, 45 Mass. App. Ct. 663, 564 (1998).

The Local Board did not produce any eyewitnesses or direct evidence as to the Licensee making a sale or delivery, or otherwise serving an alcoholic beverage to the patron, the driver, a person under the age of twenty-one years old. (Exhibit 4a) As stated above, the Licensee’s video surveillance shows the patron in the licensed premises, in possession of a bottle, but the Local Board did not offer any evidence of the Licensee serving the underage patron or another patron handing an

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<sup>2</sup> Local Rule 2.08(f) provides, in part, “[l]icensees are responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by another patron....”

<sup>3</sup> Local Rule 2.08(i) provides, in part, “Whoever makes a sale or delivery of alcoholic beverages or alcohol to any person under twenty-one years of age...shall be punished by a fine of not more than two thousand dollars....”

alcoholic beverage to him. (Exhibit 4a, Testimony) Again, although Officer McLaughlin testified before the Commission and was found to be professional and credible, she was not present inside the licensed premises on the night of the alleged violation and had no direct knowledge of any of the factors necessary to make a finding of a violation of M.G.L. c. 138, § 34. For these reasons, the Commission is persuaded and finds the Local Board has not proved by legally competent evidence that the Licensee violated M.G.L. c. 138, § 34.

### ***Failure to Maintain an Operational Video surveillance System***

The Licensee is charged with violating the Rules and Regulations of the City of Chelsea Licensing Commission, §2.09(h)<sup>4</sup> failure to Maintain an Operational Video Surveillance System Saving Recordings for 30 Days. Las Pupusas admits the violation of § 2.09(h) but argues against the Local Board's request that given that admission, the Commission draw an adverse inference as to Count I and II.

As a result of the unavailability of the video surveillance, the Local Board asks the Commission to take punitive action against Las Pupusas and draw adverse inferences as to Count I and II. "The doctrine of spoliation...permits the imposition of sanctions and remedies for the destruction of evidence in civil litigation." Keene v. Brigham & Women's Hospital, Inc. 439 Mass. 223, 234 (2003). The Keene court itself held "[t]his case is an exceptional one" and noted "the special circumstances of this case." Id at 237. "...we generally require that the extreme sanction of dismissal or default judgment be predicated on a finding of willfulness or bad faith, see Gos v. Brownstein, 403 Mass. 252, 257 (1988), and conclude that such sanctions would not ordinarily be appropriate in a case of negligent spoliation." Id at 235-236.

The Licensee was before the Local Board in 2018 and represented the video surveillance system was upgraded to a thirty (30) day storage. (Exhibit 7B). While the Licensee knew the Local Board's Rules require License holders to maintain a video system that saves video footage for 30 days, there is no evidence presented as to the Licensee's intentional or negligent action with regard to the video footage. There is no evidence the Licensee destroyed or otherwise harmed existing video surveillance.

The Commission finds and the Licensee admitted there was a failure to maintain an operational video surveillance system which saved recordings for thirty days in violation of Local Rule §2.09(h). However, the Commission declines to impute an adverse inference with regard to Count I or Count II.

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<sup>4</sup> Licensees shall have an operational video surveillance system on premises with cameras pointed at all entry and exit points both on the interior and exterior of the establishments doors; exterior of bathroom doors; bar area, dining areas, and any other high traffic areas the licensee thinks necessary or as required by the Commission. All video footage is to be maintained for 30 days and produced upon request to the Chelsea Police Department as agents of the Licensing Commission and to the Licensing Commission. If the video surveillance system is malfunctioning in any manner, notice needs to be given to the Licensing Administrator within 24 hours of the discovery of the malfunction.

### ***Reasonableness of Penalty issued by the Board***

With the Commission's finding that the Licensee permitted a violation of Local Rule 2.09(e), the Commission must determine if the penalty issued by the Local Board is reasonable. The Local Board's Rules are silent as to discipline for the violation committed. Thus, the Commission must consider, in absence of these regulations, the totality of the evidence, including but not limited to the prior violation history of the Licensee, the egregiousness of the violation(s), and the penalties imposed against other licensees by the Local Board for comparable violations.

Las Pupusas has three prior disciplinary actions in its twenty-one (21) years as a license holder: in 2014, a three-day suspension for a finding that the Licensee's premises had become a public nuisance; in 2018, a one-day suspension for failing to maintain an operational video surveillance system; and in 2019, a reduction in entertainment hours due to violation of terms of entertainment license which did not permit dancing by patrons. (Exhibit 7A, 7B and 7C)

The Local Board argues various decisions of the Local Board demonstrate a revocation here is consistent with similarly situated licensees and circumstances<sup>5</sup>:

In one case, a licensee received a one-day suspension suspended for 90 days for a single instance of failing to maintain an adequate video surveillance system and for permitting a disturbance on the premises. (Exhibit 7M) The Local Board argues although it has imposed less severe discipline on other licensees for more serious violations, Las Pupusas' prior violation history weighs in favor

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<sup>5</sup> -Chappy Pantry, Inc. d/b/a Heller's Liquor Mart: violations related to M.G.L. c. 138 § 69, Sale and Delivery to Intoxicated Persons, Local Rule 2.08(p), selling nips in violation of settlement agreement; and not providing access to the video surveillance system suspended for 6 months with other conditions. Establishment with history of three previous disciplines. (Exhibit 7E)

-Fine Mart LLC: violations related to M.G.L. c. 138 § 34, Sale and Delivery to a Minor, violation of Chelsea Licensing Commission 2018 Ban on sale of Alcohol Nips, and violation of Chelsea Licensing Commission Rule 2.14- injuries to persons at the premises, suspended for 6 weeks. Establishment with history of two previous disciplines related to sale to a minor. (Exhibit 7F)

-Wings El Corral Inc. d/b/a Wings: violations related to M.G.L. c. 138 § 69, Sale and Delivery to Intoxicated Persons, Local Rule 2.04(h), exceeding occupancy, and violating terms of entertainment license, suspended for 1 day and reducing hours of alcohol sales and entertainment license. Establishment with history of no previous local decisions. (Exhibit 7G)

-Moe Brothers LLC d/b/a Latinos Falcons: violations related to M.G.L. c. 138 § 69, Sale and Delivery to Intoxicated Persons, Local Rule 2.08, multiple violations of Local Rule 2.12 (c) and 2.12(f) related to sexual assaults; suspended for 10 weeks with rollback of hours. Establishment with history of no previous local decisions. (Exhibit 7J)

-Tu Casa Corp. d/b/a Tu Casa Restaurant: violations related to M.G.L. c. 138 § 69, Sale and Delivery to Intoxicated Persons, and Local Rule 2.08(p), suspended for 1 day to be held in abeyance for 60 days. Establishment with history of one previous discipline. (Exhibit 7K)

-Manotas Corp. d/b/a El Carriel: violations related to Local Rule 2.09(e) and 2.09 (h) and suspending for 1 day to be held in abeyance for 90 days. Establishment with no previous local decisions. (Exhibit 7M)



of serious discipline. However, many of the decisions provided to this Commission also indicate previous serious discipline history without a resulting revocation.

The Commission finds that based on the Licensee's prior history, the length of time the Licensee has held its license, and sanctions imposed on other licensees for similar violations, revocation of the license was not reasonable and is inconsistent with penalties assessed against similarly situated licensees. The Commission recommends the Local Board impose sanctions that are more consistent with similarly situated licensees and issue a three (3) day suspension.

### CONCLUSION

The Alcoholic Beverages Control Commission ("Commission") **DISAPPROVES** the action of the City of Chelsea Licensing Board in finding that Las Pupusas Del Chino Inc. committed a violation of:

- M.G.L. Ch. 138, § 69 Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person; and
- M.G.L. Ch. 138, § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.

The Commission **APPROVES** the action of the Licensing Board of the City of Chelsea in finding that Las Pupusas del Chino Inc. committed a violation of:

- Chelsea License Regulations 2.09(h) failing to maintain for 30 days video surveillance footage of the licensed premises.

The Commission **DISAPPROVES** the action of the City of Chelsea in revoking Las Pupusas Del Chino Inc.'s license. The Commission remands the matter to the local Board with the recommendation that the Local Board impose a three (3) day suspension.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Deborah Baglio, Commissioner Deborah C. Baglio

Jean M. Lorizio, Chairman Jean M. Lorizio

Crystal Matthews, Commissioner Crystal Matthews

Dated: December 8, 2021

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: Thomas Campbell, Esq.  
Strephon Treadway, Esq.  
Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Administration, File