

Notice of Suspension

Re: **Sky Dragon Restaurant, Inc.**
DBA: **North China Restaurant**
Premise: **1995 Memorial Drive**
City/Town: **Chicopee, MA 01020**
License #: **022000001**
Heard: **October 19, 2010**

After a hearing on October 19, 2010, the Commission finds Sky Dragon Restaurant, Inc. dba North China Restaurant in violation of M.G.L. c.138, §34 (2 counts) and M.G.L. c.138 §23.

The Commission **suspends the licensee's license for a total of thirty (30) days of which twenty-one (21) days will be served and nine (9) days to be held in abeyance for a period of two (2) years.** The suspension shall commence on **Wednesday, April 6, 2011 and terminate on Tuesday, April 26, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 6, 2011 at 9:00 A.M. It will be returned to the licensee Wednesday, April 27, 2011.

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
Rose Egan Bailey, Investigator
Chicopee Police Department
File

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DECISION

Sky Dragon Restaurant, Inc. dba North China Restaurant (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 October 19, 2010 regarding an alleged violation of M.G.L. c.138, §34 (2 counts) and M.G.L. c.138 §23 (15 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Egan-Bailey's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Rose Egan-Bailey's Report.

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There is one (1) tape of this hearing.

FACTS

1. On, February 19, 2010 at approximately 10:15 p.m., Commission Investigators Rose Egan Bailey and Jan Kujawski, investigated the business operation of Sky Dragon Restaurant, Inc. dba North China Restaurant.
2. Investigators Kujawski observed a male and three young female patrons seated in the dining area. The Investigators identified themselves and asked the individuals identification.
3. One of the females was not drinking an alcoholic beverage, the other two (2) females were sixteen (16) and eighteen (18) and in possession of alcoholic beverages. The male was age twenty-four (24).
4. One of the females stated the waitress did not ask them for identification. She also identified the waitress to the investigators.
5. Investigator Kujawski identified himself to the waitress, Jenny Huang. He informed her that there were underage females in the dining room that had not been asked for identification prior to being served alcohol.

6. Mr. Li the owner came out and told Investigator Huang that Ms. Huang did not speak English. Investigator Kujawski stated that he would need her identification. Mr. Li went to speak with her.
7. Mr. Li returned several minutes later and stated that Ms. Huang had run off.
8. Investigator Kujawski found Mr. Li to be uncooperative so he called for back-up assistance from the Chicopee Police Department.
9. Mr. Li informed investigators that the waitress's name was Jenny Huang. He stated that he picked her up in Springfield from the Peter Pan Bus Station out of New York City. He also picks up his other employees from the bus station in Springfield. He stated he hires his employees through an agency based out of New York. Mr. Li, as well as the rest of the employees, live in the building behind the restaurant.
10. Mr. Li was trying to reach Ms. Huang on her cell phone and she claimed she had papers but was afraid to come back to the restaurant to speak to the investigators.
11. While waiting for Mr. Li to return Investigators noticed behind the bar there were multiple bottles of liquor that had been purchased at a \$15 retail package store.
12. Investigator Kujawski told Mr. Li they would be conducting an investigation regarding the manner in which the bottles were purchased.
13. He admitted he occasionally bought alcoholic beverages from the package store across the street.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §34 (2 counts) and M.G.L. c.138 §23 (15 counts). Therefore, the Commission **suspends the license for nine (9) days for the count involving the sixteen (16) year old and an additional six (6) days for the count involving the eighteen (18) year old. The Commission suspends the license for fifteen (15) days for the fifteen (15) counts of violating M.G.L. c.138 §23. The aggregate suspension is thirty (30) days of which twenty-one (21) days will be served and nine (9) 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

Kim Gainsboro, Chairman _____

Susan Corcoran, Commissioner _____

Dated: February 22, 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
 Rose Egan Bailey, Investigator
 Chicopee Police Department
 File