

**Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510**

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

October 11, 2017

**SERN-WAH, INC. D/B/A SINGAPORE RESTAURANT
170 WHALON STREET
FITCHBURG, MA 01420
LICENSE#: 0394-00058
VIOLATION DATE: 05/26/2017
HEARD: 10/10/2017**

After a hearing on October 10, 2017, the Commission finds Sern-Wah, Inc. d/b/a Singapore Restaurant violated:

- 1) M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count).
- 2) 204 CMR 4.03: Certain Practices Prohibited (1) No licensee or employee, or agent of a licensee shall: (B) Deliver two or more drinks to one (1) person at a time.

On the first violation, M.G.L. Ch. 138 § 69, the Commission suspends the license for ten (10) days of which five (5) days will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

On the second violation, 204 CMR 4.03 (1) (B), the Commission suspends the license for two (2) days of which one (1) day will be served and one (1) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. This suspension shall run consecutively with the one above.

By decision dated March 31, 2016, the Commission had previously ordered a seven (7) day license suspension with four (4) days to be served, and three (3) days to be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. Based on the violations found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that 3-day suspension to be served on and after the consecutive suspensions [5-day and 1-day suspension] above. The Licensee will serve a total nine (9) days.

The suspension shall commence on Wednesday, November 29, 2017 and terminate on Thursday, December 7, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 29, 2017 at 9:00 A.M. It will be returned to the licensee on Friday, December 8, 2017.

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.

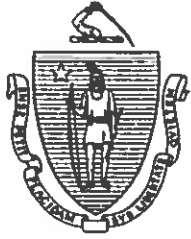
ALCOHOLIC BEVERAGES CONTROL COMMISSION



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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
Nicholas Velez, Investigator
Administration, File



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DECISION

**SERN-WAH, INC. D/B/A SINGAPORE RESTAURANT
170 WHALON STREET
FITCHBURG, MA 01420
LICENSE#: 0394-00058
VIOLATION DATE: 05/26/2017
HEARD: 10/10/2017**

Sern-Wah, Inc. d/b/a Singapore 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, October 10, 2017, regarding alleged violations of:

- 1) M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count).
- 2) 204 CMR 4.03: Certain Practices Prohibited (1) No licensee or employee, or agent of a licensee shall: (B) Deliver two or more drinks to one (1) person at a time.

Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Teehan's report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report; 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.

FINDINGS OF FACT

1. On Friday, May 26, 2017, at approximately 11:10 p.m., Investigators Velez and Teehan ("Investigators") conducted an investigation of the business operation of Sern-Wah, Inc. d/b/a Singapore Restaurant to determine the manner in which its business was being conducted.
2. While on the licensed premises, Investigators observed an individual, Eric Richards, who appeared to be intoxicated.

3. Investigators observed Richards sitting at the bar in possession of a mixed drink. At approximately 11:21 p.m., Richards ordered a shot of Jägermeister Bomb, from the male bartender on duty, Sam Dong. At approximately 11:30 p.m., Investigators observed Mr. Dong serve a mixed drink to Richards.
4. Investigators observed Richards appeared unsteady on his feet, and swayed back and forth while he was in the bar area.
5. Investigators observed that Richards' movements were slow, his eyes glassy, and his speech was slurred.
6. Based on their training and experience, Investigators formed the opinion that Richards was intoxicated.
7. At approximately 11:56 p.m., Investigators observed the bartender, Sam Dong, deliver to Richards three Jägermeister Bombs, which Investigators observed Richards drinking.
8. Investigators identified themselves to Mr. Dong, and they identified Richards to him.
9. Mr. Dong stated he would make sure that Richards had safe transport home.
10. Investigators informed Mr. Dong 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:

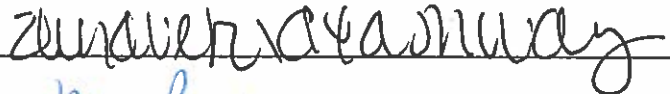
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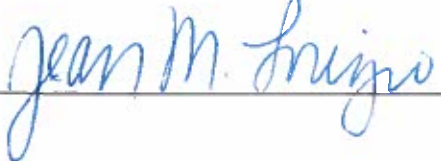
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On the second violation, 204 CMR 4.03 (1) (B), the Commission suspends the license for two (2) days of which one (1) day will be served and one (1) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. This suspension shall run consecutively with the one above.

By decision dated March 31, 2016, the Commission had previously ordered a seven (7) day license suspension with four (4) days to be served, and three (3) days to be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. Based on the violations found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that 3-day suspension to be served on and after the consecutive suspensions [5-day and 1-day suspension] above. The Licensee will serve a total nine (9) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner 

Jean M. Lorizio, Chairman 

Dated: October 11, 2017

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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