



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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

May 7, 2014

SERN-WAH, INC. DBA SINGAPORE RESTAURANT
WHALON STREET
FITCHBURG, MA 01420
LICENSE#: 039400058
VIOLATION DATE: 12/20/2013
HEARD: 04/22/2014

After a hearing on April 22, 2014, the Commission finds Sern-Wah, Inc. dba Singapore Restaurant in violation of M.G.L. c. 138 §69 – Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count).

The Commission **suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, June 25, 2014, and terminate on Thursday, June 26, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 25, 2014 at 9:00 A.M. It will be returned to the licensee Friday, June 27, 2014.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
Dennis Keefe, Investigator
Brad Doyle, Investigator
Thomas Barron, Esq. via facsimile 617-773-7924
Administration
File



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Department of the State Treasurer
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DECISION

SERN-WAH, INC. DBA SINGAPORE RESTAURANT
WHALON STREET
FITCHBURG, MA 01420
LICENSE#: 039400058
VIOLATION DATE: 12/20/2013
HEARD: 04/22/2014

Sern-Wah, Inc. dba 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, April 22, 2014, regarding an alleged violation of 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. Licensee's Stipulation of Facts; and
2. Investigator Teehan's Investigative Report dated December 23, 2013.

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

FACTS

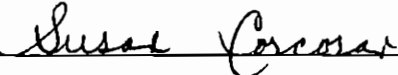
1. On Friday, December 20, 2013, at approximately 8:15 p. m., Chief Investigator Mahony, along with Investigators Keefe, Doyle, and Teehan conducted an investigation of the business operation of Sern-Wah, Inc. dba Singapore Restaurant to determine the manner in which its business was being conducted.
2. Investigators observed Scott Norton, actual date of birth [REDACTED] (age 34) who entered the licensed premises at approximately 9:55 p. m. While in the lobby area of the restaurant, investigators observed that Mr. Norton was unsteady on his feet and he was swaying back and forth. They observed that as Mr. Norton staggered into the bar area, he was in the direct line of sight of the doorman on duty, Tim Wo.
3. Mr. Norton continued to be unsteady on his feet, swaying back and forth, and his movements appeared to be slow. Investigators observed that his speech was slurred and his eyes were glassy.
4. Based on their training and experience, investigators formulated the opinion that Mr. Norton was intoxicated.
5. At approximately 10:05 p. m., investigators observed the male bartender on duty serve Mr. Norton a bottle of Coors Light beer, and saw that he drank it.

6. Mr. Norton provided identification to the Investigators, and they made sure that he was provided safe transport home.
7. Investigators identified themselves to the assistant manager on duty, Kru Lo, informed him of the violation, and that a report would be filed with the Commission for further action.


CONCLUSION

Based on the evidence, the Commission finds the licensee violated of 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 six (6) days of which two (2) days will be served and four (4) 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

Susan Corcoran, Commissioner 

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

Kathleen McNally, Commissioner 

Dated: May 7, 2014

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
Michael Teehan, Investigator
Dennis Keefe, Investigator
Brad Doyle, Investigator
Thomas Barron, Esq. via facsimile 617-773-7924
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