



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

ASIAN BUFFET OF GREENFIELD INC. DBA ASIAN BUFFET
254 MOHAWK TRAIL
GREENFIELD, MA 01301
LICENSE#: 047000069
VIOLATION DATE: 04/23/2015
HEARD: 05/26/2015

Asian Buffet of Greenfield Inc. dba Asian Buffet (the "Licensee") holds an alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 26, 2015, regarding the alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 204 CMR 4.03 (1) Changing prices during the calendar week. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report dated April 23, 2015;
 2. Licensee's Stipulation of Facts;
 3. Copy of Alcohol License and Licensee's Driver's License; and
 4. Drinks, Cocktail and Spirits Menu with Drink Specials (as of April 23, 2015).
- A. Drinks, Cocktail and Spirits Menu (as of May 26, 2015).

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

FACTS

1. On Thursday, April 23, 2015, at approximately 8:45 p.m., Investigators Kujawski and Keefe (the "Investigators") investigated the business operation of Asian Buffet of Greenfield Inc. dba Asian Buffet to determine the manner in which its business was being conducted, and to investigate a complaint filed with this Commission.
2. Investigator Keefe entered the license premises in an undercover capacity. He approached the bar and asked the bartender on duty, Roger Johnson, if there were any drink specials.
3. Mr. Johnson handed a menu to Investigator Keefe, and stated that there were drink specials every day after 7:00 p.m.
4. Investigator Keefe took the menu and observed a specific section at the bottom of the menu, where drink specials were advertised. The drink special section indicated specials every day from 7:00 p.m. to closing.

3366 8308

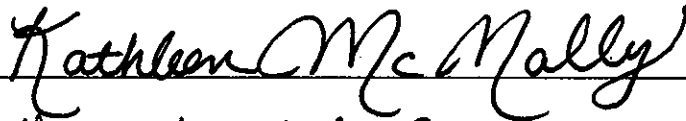
5. Investigator Keefe observed the drink special prices and compared them to the prices listed during regular business hours. For example, as a drink special a large Coors Light draft beer was listed for \$3.00; while before 7:00 p.m., the same large Coors Light draft beer was listed for \$5.00. (Exhibit 4)
6. Investigators Keefe and Kujawski identified themselves to Mr. Johnson and to the owner, Cun Hou Zheng.
7. Mr. Johnson and Mr. Zheng stated that they did not think they were doing anything wrong; they simply misunderstood the Massachusetts Happy Hour regulations.
8. Investigators advised Mr. Zheng of the violations and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

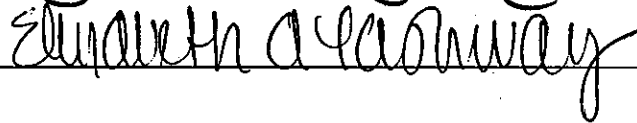
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 204 CMR 4.03 (1) Changing prices during the calendar week. Therefore, the Commission suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth Lashway, Commissioner



Dated: May 26, 2015

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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File