

*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

May 10, 2018

**J & S RESTAURANT CORPORATION DBA THE TEA GARDEN
904 SALEM ST
GROVELAND, MA 01834
LICENSE#: 0480-00012
VIOLATION DATE: 03/09/2018
HEARD: 5/08/2018**

After a hearing on May 8, 2018, the Commission finds J & S Restaurant Corporation d/b/a The Tea Garden violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (4 counts).

The Commission suspends the license for a period of fourteen (14) days of which four (4) days will be served, and ten (10) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, June 27, 2018 and terminate on Saturday, June 30, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 27, 2018 at 9:00 A.M. It will be returned to the Licensee on July 1, 2018.

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

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Administration, File



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DECISION

**J & S RESTAURANT CORPORATION DBA THE TEA GARDEN
904 SALEM ST
GROVELAND, MA 01834
LICENSE#: 0480-00012
VIOLATION DATE: 03/09/2018
HEARD: 5/08/2018**

J & S Restaurant Corporation d/b/a The Tea Garden (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, May 8, 2018, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (4 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco'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, March 9, 2018, at approximately 9:00 p.m., Investigators Keefe and Di Cicco ("Investigators"), conducted an investigation of the business operation of J & S Restaurant Corporation d/b/a The Tea Garden to determine the manner in which its business was being conducted, and to investigate a complaint filed with this Commission.
2. Prior to entering the licensed premises, Investigators contacted Groveland Police Detective Petrone.
3. Upon entering the licensed premises, Investigators observed youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.

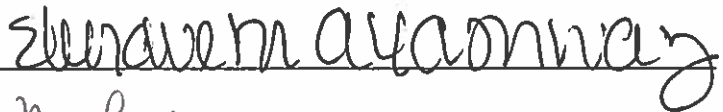
4. Underage #1, actual date of birth 6/29/1998 (age 19) was in possession of a Scorpion Bowl mixed drink. He stated to Investigators that he was not asked for identification.
5. Underage #2, actual date of birth 5/05/1998 (age 19) was in possession of a Scorpion Bowl mixed drink. He presented to Investigators a fraudulent Maine driver's license.
6. Underage #3, actual date of birth 1/21/1998 (age 20) was in possession of a mixed drink, vodka and cranberry juice. He presented to Investigators a fraudulent Connecticut driver's license.
7. Underage #4, actual date of birth 12/6/1997 (age 20) was in possession of a mixed drink, vodka and cranberry juice. He stated to Investigators that he was not asked for identification prior to being served an alcoholic beverage.
8. Investigators identified all the underage individuals to the bartender and the owner. Investigators ensured safe transport home for all the minors in possession of alcoholic beverages.
9. Investigators informed the staff members of the violations and that a report would be filed with the Chief Investigator for review.

CONCLUSION

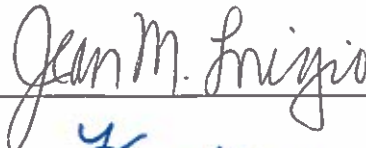
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (4 counts). Therefore, the Commission **suspends the license for a period of fourteen (14) days of which four (4) days will be served, and ten (10) 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

Elizabeth A. Lashway, Commissioner



Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: May 10, 2018

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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