



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 15, 2014

MAJESTIC DRAGON RESTAURANT, INC.
81 NEWBURYPORT TPK
IPSWICH, MA 01938
LICENSE#: 056600020
VIOLATION DATE: 12/20/2013
HEARD: 04/29/2014

After a hearing on April 29, 2014, the Commission finds Majestic Dragon Restaurant, Inc. in violation of 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 ten (10) days to be served. The suspension shall commence on Wednesday, July 2, 2014, and terminate on Friday, July 11, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 2, 2014 at 9:00 A.M. It will be returned to the licensee Saturday, July 12, 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
Christopher Temple, Investigator
Nicholas Velez, Investigator
Caroline Guarino-Wilichoski, Investigator
Administration
File



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DECISION

MAJESTIC DRAGON RESTAURANT, INC.
81 NEWBURYPORT TPK
IPSWICH, MA 01938
LICENSE#: 056600020
VIOLATION DATE: 12/20/2013
HEARD: 04/29/2014

Majestic Dragon Restaurant, Inc. (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 29, 2014, regarding an alleged violation of 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 Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Temple's Violation Report dated December 20, 2013.

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

FACTS

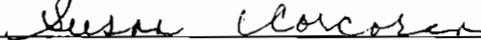
1. On Friday, December 20, 2013, at approximately 10:50 p. m., Investigators Velez and Temple, acting in an undercover capacity, conducted an investigation of the business operation of Majestic Dragon Restaurant, Inc. to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed it to be well lit with approximately 15 patrons.
3. While investigators sat at the bar, their attention was drawn to a conversation at a table approximately 10 feet away from them. The conversation was between Ronald Martineau and an unidentified male.
4. The unidentified male asked Ronald Martineau if he was on number six or seven. Mr. Martineau replied that he was on number six.
5. Investigators observed that Mr. Martineau shouted loudly, "Eddie Money ... number 6" moments later, before consuming half of the remaining beverage in one gulp. Mr. Martineau then screamed, "Woo!"
6. Investigators then observed Mr. Martineau get up from his seat and walk over to the entrance behind the bar. They observed that his eyes were bloodshot red and watery.

7. At approximately 10:58 p. m., investigators observed Mr. Martineau attempt to grab the mixed drink dispenser. The bartender on duty, Bill Sullivan, took the dispenser before Mr. Martineau could, and also took his glass.
8. Investigators observed Mr. Sullivan fill up the glass and place it on the bar. Mr. Martineau then took possession of the glass, dragged it towards him, and spilled it on the bar.
9. Investigators observed that Mr. Martineau had difficulty standing. He shouted, "Eddie Money...number 7!" and took a sip and afterwards he screamed, "Woo!" Mr. Martineau then sat the bar.
10. At approximately 11:04 p.m., investigators observed Mr. Martineau spill his drink again. The female bartender on duty, Brittney Best, stated to Mr. Martineau, "You are going to feel like shit in the morning, Ronnie."
11. Investigators observed that Mr. Martineau closed his eyes for an extended period.
12. Shortly after, investigators observed another male patron, Christopher Silvestro, who attempted to carry Mr. Martineau out of the bar. As they approached the door, Mr. Martineau's knees buckled and he fell to his right into a four-foot plant holder.
13. Based on their training and experience, investigators formulated the opinion that Mr. Martineau was intoxicated.
14. Outside the licensed premises, Investigator Wilichoski observed that Mr. Martineau needed the assistance of Mr. Silvestro to descend the stairs.
15. Investigator Wilichoski, with Chief Investigator Mahony and Ipswich Police Officers Daniel Kmiec and Brian Reed, identified themselves and approached the individuals, and asked for identification.
16. Mr. Silvestro stated to investigators that Mr. Martineau couldn't drive and he would drive him home.
17. Investigator Wilichoski observed that Mr. Martineau had difficulty standing and swayed from side to side.
18. Investigator Wilichoski asked Mr. Martineau how much he had had to drink. Mr. Martineau replied that he had three Scorpion Bowls. As he spoke, Investigator Wilichoski observed that his speech was slurred.
19. Investigator Wilichoski and Chief Mahony then entered the licensed premises and identified themselves to the female bartender on duty, Brittney Best.
20. Ms. Best immediately stated "He's not driving home" to which Investigator Wilichoski replied that Mr. Martineau's not driving home didn't matter.
21. Investigators asked Ms. Best if there was a manager on duty.
22. Ms. Best replied that there was not a manager on duty but there was another bartender on duty, and she brought over Bill Sullivan.
23. Investigators advised both bartenders of the importance of watching for over service. They advised both bartenders of the violation and that a report would be submitted for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated c. 138 §69 – Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (1 Count). Therefore, the Commission **suspends the license for fifteen (15) days of which ten (10) 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.**

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 15, 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
Christopher Temple, Investigator
Nicholas Velez, Investigator
Caroline Guarino-Wilichoski, Investigator
Administration
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