



***Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150***

Jean M. Lorizio, Esq.
Chair

NOTICE OF SUSPENSION

November 1, 2019

**MAJESTIC DRAGON RESTAURANT INC.
81 NEWBURYPORT TPK
IPSWICH, MA 01938
LICENSE#: 0566-00020
VIOLATION DATE: 7/19/2019
HEARD: 10/22/2019**

After a hearing on October 22, 2019, the Commission finds Majestic Dragon Restaurant Inc. violated M.G.L. c. 138, §69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count).

The Commission suspends the license for ten (10) days to be served.

The suspension shall commence on Monday, December 16, 2019 and terminate on Wednesday, December 25, 2019. The license will be delivered to the Local Licensing Board or its designee on Monday, December 16, 2019 at 9:00 A.M. It will be returned to the licensee day, December 26, 2019.

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
Katelyn Quinn, Investigator
Dennis Keefe, Investigator
Lisa Watson, Investigator
Administration, File



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
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Jean M. Lorizio, Esq.
Chair

DECISION

**MAJESTIC DRAGON RESTAURANT INC.
81 NEWBURYPORT TPK
IPSWICH, MA 01938
LICENSE#: 0566-00020
VIOLATION DATE: 7/19/2019
HEARD: 10/22/2019**

Majestic Dragon Restaurant Inc. (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, October 22, 2019, 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 in Investigator Quinn's report.

The following documents are in evidence:

1. Investigator Quinn's Report;
2. Licensee's Stipulation of Facts;
3. ABCC Decision, 6/9/2004;
4. ABCC Decision, 5/29/2008;
5. ABCC Decision, 5/15/2014;
6. ABCC Decision, 4/29/2015;
7. ABCC Decision, 6/14/2016;
8. Receipt for Alcohol Purchase.

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

FINDINGS OF FACT

1. On Thursday, July 18, 2019, at approximately 10:15 p.m., Investigators Keefe, Watson, and Quinn ("Investigators") investigated the business operation of Majestic Dragon Restaurant Inc. to determine the manner in which their business was being conducted.

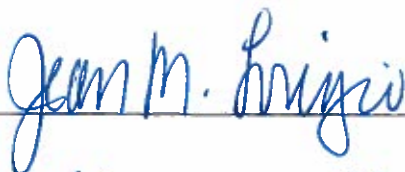
2. The bar was well lit, and no music was playing during the time of the Investigators' observations.
3. At approximately 11:29 p.m., Investigators' attention was drawn to a male individual wearing a baseball cap, Jason Tidemarth, while seated at the bar.
4. Investigators observed that Jason's eyes appeared glassy and were half-opened. Investigators observed Jason fumble with his cellular phone, and later saw him knock the baseball cap off of his head as a result of the uncoordinated movements of his hands and arms.
5. Investigators overheard Jason speak to the bartender. Jason's speech was slow and slurred. Investigators observed Jason knock over a glass of water. This spill occurred directly in front of the bartender on duty, Abigail Pepp, who then wiped up the spilt water.
6. Investigators heard several other patrons as well as Jason's friends shout, "shut him off" and "you're cut off."
7. Based on their training and experience, Investigators formulated the opinion that Jason was intoxicated.
8. At approximately 11:58 p.m., Investigators observed Jason ask the bartender for another drink, but Ms. Pepp did not hear Jason as she was facing the other side of the bar.
9. At approximately 12:04 a.m., Investigators observed Jason order a Corona Premier beer from the bartender. At that same time one of Jason's friends shouted, "you've had three shots and a Mai Tai already!" This comment occurred directly in front of the bartender, Abigail Pepp.
10. At approximately 12:05 a.m., Investigators observed Ms. Pepp deliver a Corona Premier beer to Jason.
11. Investigators spoke to Abigail Pepp who stated that "I knew he was drunk when he spilled his water but once I knew his friend was driving him home, I thought that it was o.k."
12. Investigators obtained a copy of Jason's receipt which indicated the purchase of two Corona beers; three shots of Dr. McGillicuddy's liqueur, and one Mai Tai mixed cocktail.
13. Investigators insured with Ms. Pepp that Jason would have safe transport home.
14. Investigators informed Ms. Pepp of the violation and that a report would be filed with the Chief Investigator for review.
15. The Licensee has five prior violations between 2004 to 2016, three of which were for violations of M.G.L. c. 138, § 69 Sale or delivery of an alcoholic beverage to an intoxicated person.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 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 ten (10) days to be served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Crystal Matthews, Commissioner



Dated: November 1, 2019

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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