



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

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

**NOTICE OF SUSPENSION**

*Kim J. Gainsboro, Esq.*  
*Chairman*  
April 29, 2015

**Z.W.L. RESTAURANT INC. DBA ROYAL GARDEN RESTAURANT**  
**3 TREMONT ST**  
**KINGSTON, MA 02364**  
**LICENSE#: 056800016**  
**VIOLATION DATE: 03/12/2015**  
**HEARD: 04/28/2015**

After a hearing on April 28, 2015, the Commission finds Z.W.L. Restaurant Inc. dba Royal Garden Restaurant violated 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 17, 2015, and terminate on Thursday, June 18, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 17, 2015 at 9:00 A.M. It will be returned to the licensee Friday, June 19, 2015.

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  
Nicholas Velez, Investigator  
Mark Kenny, Investigator  
Administration  
File

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*The Commonwealth of Massachusetts*  
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*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Dorothy B. Goldberg*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**Z.W.L. RESTAURANT INC. DBA ROYAL GARDEN RESTAURANT**  
**3 TREMONT ST**  
**KINGSTON, MA 02364**  
**LICENSE#: 056800016**  
**VIOLATION DATE: 03/12/2015**  
**HEARD: 04/28/2015**

Z.W.L. Restaurant Inc. dba Royal Garden 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 28, 2015, 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 violations alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report dated March 12, 2015; and
  2. Licensee's Stipulation of Facts.
- A. Department of Unemployment Assistance Lack of Work Notification and Letter.

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

The Commission took Administrative Notice of the Licensee's record.

**FACTS**

1. On Thursday, March 12, 2015, Investigators Kenny and Velez (the "Investigators") investigated the business operation of Z.W.L. Restaurant Inc. dba Royal Garden Restaurant to determine the manner in which the business was being conducted.
2. Investigators entered the licensed premises and observed a female individual, Mary, who appeared to be intoxicated. Investigators observed that Mary's speech was loud, slurred and thick as she spoke to a friend seated next to her.
3. Investigators further observed Mary's movements appeared slow and uncoordinated. Mary had red bloodshot, glassy and watery eyes with a dazed look in them.
4. Investigators observed that Mary became drowsy and appeared to close her eyes while she sat at the bar.
5. Based on their training and experience, Investigators formed the opinion that Mary was intoxicated.

6. At approximately 7:25 p. m., Investigators observed Mary order a White Russian mixed cocktail from the bartender on duty, Xue Zheng. Investigators observed Ms. Zheng deliver the alcoholic beverage to Mary, and that Mary consumed it.
7. Investigators heard Mary ask Ms. Zheng if she had ordered food since she did not remember. Ms. Zheng replied yes.
8. Investigators spoke to a manager, James Tian. Mr. Tian stated that he is not at the restaurant all the time. He comes in a week or two at a time.
9. Investigators informed Mr. Tian of the violation and that a report would be submitted to the Chief Investigator for further action.
10. At the hearing Mr. Tian testified that he is the bar manager, and he often performs many of the responsibilities of the license manager, including ordering the alcoholic beverages.
11. Zong Song Zou, the owner of the licensed premises, also appeared at the hearing. Administrative review of the Commission's files indicates that Mr. Zou is the license manager of record.

### 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 a period of four (4) days with two (2) days to be served, and two (2) days to be held in abeyance for a period of two (2) years, provided no further violations of Chapter 138 or Commission Regulations occur.**

The Commission reminds the Licensee that if someone other than Mr. Zou is fulfilling the obligations of the License Manager, then the Licensee should file the appropriate application for a change of manager with both the Commission and the Local Licensing Authority.

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman

Elizabeth A. Lashway, Commissioner

Dated: April 29, 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  
Nicholas Velez, Investigator  
Mark Kenny, Investigator  
Administration, File