

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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

FUJI MOUNTAIN ASIAN BISTRO LLC DBA UME ASIAN BISTRO
732 BLISS ROAD
LONGMEADOW, MA 01106
LICENSE#: 062800024
VIOLATION DATE: 05/13/2013
HEARD: 10/15/2013

Fuji Mountain Asian Bistro LLC dba Ume Asian Bistro (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, October 15, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. 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. Licensee's Stipulation of Facts; and
2. Investigator Keefe's Compliance Check Field Report dated May 13, 2013.

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

FACTS

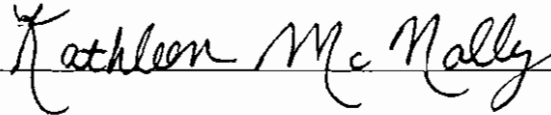
1. On Monday, May 13, 2013, at approximately 5:15 p.m., Investigators Kujawski and Keefe conducted an investigation of the business operation of Fuji Mountain Asian Bistro LLC dba Ume Asian Bistro.
2. An underage operative, working with investigators, purchased an alcoholic beverage, container of Budweiser Light beer, for four dollars and twenty-five cents (\$4.25). The underage operative was not asked for identification.

CONCLUSION

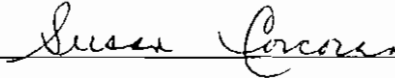
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for three (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



Susan Corcoran, Commissioner



Dated: October 18, 2013

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
Jan Kujawski, Investigator
Dennis Keefe, Investigator
Haian Lin, Esq. via facsimile 617-457-8188
Administration
File