

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

HUONG LOAN, INC. DBA SOUPERBOWL RESTAURANT
1733 MIDDLESEX STREET
LOWELL, MA 01851
LICENSE#: 063000236
HEARD: 02/07/2012

Huong Loan, Inc. dba Souperbowl Restaurant (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, February 7, 2012, regarding an alleged violation of M.G.L. Ch. 138 §34 (1 count) and 204 CMR 2.16 (1). Prior to the commencement of the hearing, the licensee stipulated to the 204 CMR 2.16 (1) violation alleged in Investigator Michael Teehan's Field Report.

The following documents are in evidence:

Commission Exhibits

1. Investigator Teehan's Report dated November 15, 2011; and
2. Licensee's Stipulation of Facts to 204 CMR 2.16 (1).

Licensee Exhibits

- A. License Scanner Report from November 11, 2011.

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

FACTS

1. On Saturday, November 12, 2011, at approximately 12:45 a.m., Investigators Guarino and Teehan, along with Detectives from the Lowell Police Department, investigated the business operation of Huong Loan, Inc. dba Souperbowl Restaurant to determine the manner in which their business was conducted.
2. Investigators observed there was a cover charge for admission into the licensed premises, and that the licensee failed to post a notice of the cover charge.
3. Investigators observed a male subject in possession of an alcoholic beverage.
4. The male subject was later identified as Mr. Albert Daley, age twenty (20), with a date of birth April 18, 1991.
5. Investigators observed Mr. Daley to be in possession of a mixed drink later identified as Hennessy and Coke.
6. Mr. Daley stated he was not asked for identification to enter the licensed premises.

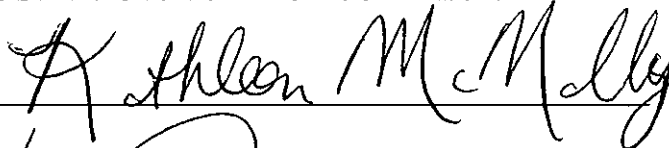
7. Investigators informed the owner of the violation, and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

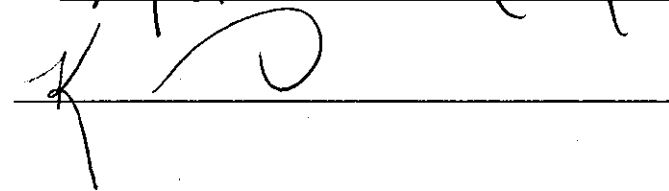
Based on the evidence, the Commission finds the licensee violated M.G.L. Ch. 138 §34 (1 count) and 204 CMR 2.16 (1). On the first violation, the Commission **suspends the licensee's license for one (1) day.** On the second violation, the Commission **suspends the licensee's license for three (3) days.** Therefore, the licensee's license is suspended for a total of four (4) days, of which all four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Ch. 138 or Commission Regulations occur.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Kim S. Gainsboro, Chairman



Dated: February 13, 2012

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
Michael Teehan, Investigator
Administration
File