



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

Deborah B. Goldberg
Treasurer and Receiver General

AMENDED NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

August 26, 2015

FU WAH RESTAURANT INC.
106-110 MAIN STREET
MARLBOROUGH, MA 01752
LICENSE#: 066200001
VIOLATION DATE: 05/29/2015
DECISION DATE: 07/29/2015

After a hearing on July 28, 2015, the Commission finds Fu Wah Restaurant Inc. violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C - Possession of an alcoholic beverage by a person under 21 years of age (1 count).

The Commission **suspended the Licensee's license for a total of nine (9) days to be served. No offer in compromise will be considered for five (5) of the nine (9) days suspension for this penalty.**

The Commission accepted the Licensee's Offer in Compromise for four (4) of the nine (9) days suspended. The balance of five (5) days must be served.

The five (5) days suspension shall commence on Wednesday, September 16, 2015, and terminate on Sunday, September 20, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 16, 2015 at 9:00 A.M. It will be returned to the licensee Monday, September 21, 2015.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Investigators
Administration, File

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Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

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

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

July 29, 2015

FU WAH RESTAURANT INC.
106-110 MAIN STREET
MARLBOROUGH, MA 01752
LICENSE#: 066200001
VIOLATION DATE: 05/29/2015
HEARD: 07/28/2015

After a hearing on July 28, 2015, the Commission finds Fu Wah Restaurant Inc. violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C – Possession of an alcoholic beverage by a person under 21 years of age (1 count).

The Commission suspends the licensee's license for a total of nine (9) days to be served. The suspension shall commence on Wednesday, September 16, 2015, and terminate on Thursday, September 24, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 16, 2015 at 9:00 A.M. It will be returned to the licensee Friday, September 25, 2015. No offer in compromise will be considered for five (5) of the nine (9) days suspension for this penalty.

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
Jan Kujawski, Investigator
Dennis Keefe, Investigator
Administration
File



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

Dorothy B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

FU WAH RESTAURANT INC.
106-110 MAIN STREET
MARLBOROUGH, MA 01752
LICENSE#: 066200001
VIOLATION DATE: 05/29/2015
HEARD: 07/28/2015

Fu Wah Restaurant Inc. (the "Licensee") holds an alcohol beverage license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, July 28, 2015, regarding the alleged violation of 204 CMR 2.05 (2) permitting an illegality on the licensed premises, to wit: c. 138, §34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 Count). 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. Investigator Keefe's Investigative Report dated May 29, 2015; and
2. Licensee's Stipulation of Facts.

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

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

FACTS

1. On Friday, May 29, 2015, at approximately 10:45p.m., Investigators Kujawski and Keefe ("Investigators") investigated the business operation of Fu Wah Restaurant Inc. to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed a youthful looking female individual in possession of an alcoholic beverage, a Scorpion Bowl cocktail.
3. Investigators advised the female individual for identification. [REDACTED], actual date of birth [REDACTED] (age 18) provided investigators with a false New York driver's license.
4. Investigators spoke to the manager on duty, Joe Mei, and the waitress, Wan Cheung, who served the underage patron.
5. Ms. Cheung stated that she requested identification from Ms. H [REDACTED] who produced the fake New York identification.
6. Investigators informed Mr. Mei of the violation and that a report would be submitted to the Chief Investigator for further action.

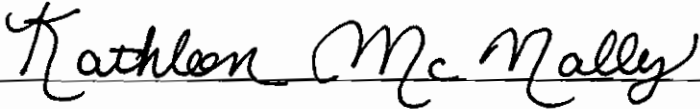
7. Administrative review of the Licensee's records reveals this is the third violation of a minor in possession of alcoholic beverages, and the fourth violation in 15 years.

CONCLUSION

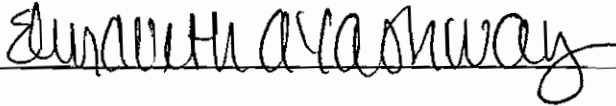
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: c. 138, §34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 Count). Therefore, the Commission suspends the license for twelve (12) days of which nine (9) days will be served and 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. **No offer in compromise will be considered for five (5) of the nine (9) days suspension for this penalty.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth Lashway, Commissioner



Dated: July 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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File