



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

November 15, 2016

MASHPEE ORIENTAL INC. D/B/A ASIA PALACE
3 GREEN ST.
MASHPEE, MA 02649
LICENSE#: 067000073
VIOLATION DATE: 05/29/2016
HEARD: 11/15/2016

After a hearing on November 15, 2016, the Commission finds Mashpee Oriental Inc. d/b/a Asia Palace 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 (2 Counts).

The Commission suspends the license for eleven (11) days of which three (3) days will be served and eight (8) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, January 11, 2017 and terminate on Friday, January 13, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 11, 2017 at 9:00 A.M. It will be returned to the Licensee Saturday, January 14, 2017.

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

Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Lisa Lordan, Investigator
Jon D. Aieta, Esq. via facsimile 617-472-9028
Administration, File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Deborah B. Goldberg
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DECISION

MASHPEE ORIENTAL INC. D/B/A ASIA PALACE
3 GREEN ST.
MASHPEE, MA 02649
LICENSE#: 067000073
VIOLATION DATE: 05/29/2016
HEARD: 11/15/2016

Mashpee Oriental Inc. d/b/a Asia Palace (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, November 15, 2016, regarding an 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 (2 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report dated May 29, 2016; 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 Sunday, May 29, 2016, at approximately 9:00 p.m., Investigators Lordan and Temple investigated the business operation Mashpee Oriental Inc. d/b/a Asia Palace to determine the manner in which their business was being conducted.
2. Investigators attention was drawn to a group of youthful appearing individuals, seated at a table, who were in possession of alcoholic beverages.
3. Investigators identified themselves and asked the individuals to see proof of legal drinking age.

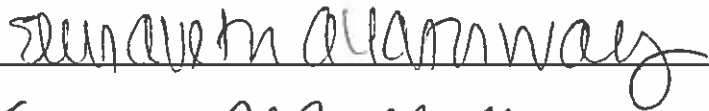
4. Underage #1, actual date of birth of 08/30/1998 (age 17) was in possession of a glass of Pinot Grigio wine. She presented to Investigators a fraudulent Rhode Island driver's license which she had used to purchase the alcoholic beverage.
5. Underage #2, actual date of birth 12/02/1997 (age 18) was in possession of a margarita mixed cocktail. She presented to Investigators a fraudulent New York driver's license which she had used to purchase the alcoholic beverage.
6. Investigators spoke to the server on duty, Ren Fangyan, and identified the underage individuals to him.
7. Investigators informed Mr. Fangyan of the violation and that a report would be filed with the Chief Investigator for further action.
8. The underage individuals were provided safe transport home via Uber.

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 (2 Counts). Therefore, the Commission **suspends the license for eleven (11) days of which three (3) days will be served and eight (8) 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

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: November 15, 2016

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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