



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

NIJIYA SKY INC. D/B/A NIJIYA JAPANESE RESTAURANT
9 HIGH STREET
MEDFORD, MA 02155
LICENSE#: 068000080
VIOLATION DATE: 04/08/2016
HEARING DATE: 06/21/2016

Nijiya Sky Inc. d/b/a Nijiya Japanese 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, June 21, 2016, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. 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 Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Compliance Check Field Report dated April 8, 2016; and
 2. Licensee's Stipulation of Facts.
- A. Licensee's Email June 6, 2016 re: TIPS Certification.

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

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

FACTS

1. On Friday, April 8, 2016, at approximately 6:32 p.m., Investigators Temple and Di Cicco ("Investigators") investigated the business operation of Nijiya Sky Inc. d/b/a Nijiya Japanese Restaurant.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, for four dollars and eighty-two cents (\$4.82). 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: M.G.L. 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



Elizabeth A. Lashway, Commissioner



Dated: June 22, 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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
Christopher Temple, Investigator
Administration, File