



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150-2358*

**Jean M. Lorizio, Esq.**  
*Chairman*

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**DECISION**

**YE CHAN INC. D/B/A MEDWAY LOTUS  
128 MILFORD ST.  
MEDWAY, MA 02053  
LICENSE#: 00006-RS-0684  
VIOLATION DATE: 7/27/2019  
HEARD: 9/28/2021**

Ye Chan Inc. d/b/a Medway Lotus (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, September 28, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the alleged facts in Investigator Watson's report.

The following documents are in evidence:

1. Investigator Watson's Report;
  2. ABCC Form 43, transfer application approval 2/2/2005;
  3. Licensee's Stipulation of Facts.
- A. TIPS Certification Cards;  
B. TIPS Manual.

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

**FINDINGS OF FACT**

1. On Friday, July 26, 2019, at approximately 10:24 p.m., Investigators Gardner and Watson ("Investigators") investigated the business operation of Ye Chan Inc. d/b/a Medway Lotus to determine the manner in which the business was being conducted.
2. Investigators entered the licensed premises and observed several individuals who appeared to be intoxicated. As the bar was very crowded, Investigators Gardner and Watson reached out to Investigators Keefe and Smith for assistance with the investigation.
3. Investigators observed an unknown female ("UF") singing karaoke with her friend. Investigators observed UF's speech was slurred and she appeared to have difficulty

seeing the screen and following the lyrics. There were long periods of silence while UF and her friend were on stage.

4. When UF finished singing, Investigators observed her walking in an unsteady manner from the stage area. Her movements were uncoordinated, and she tripped as she walked across the bar back to her seat.
5. Investigators observed UF dancing on the dance floor. She took short steps in an uneven fashion, continued to trip, and appeared to have trouble maintaining her balance.
6. Investigators observed UF walk to the bar, bumping into several chairs as she did so. She stood at the bar several minutes waiting for service. The UF rested her elbow on the bar and it slipped several times while she waited to be served and she lost her balance a few times. She appeared to consult her phone for her drink order and had difficulty looking at the words on her phone.
7. Based on their training and experience, Investigators formulated the opinion that the UF was intoxicated.
8. Investigators observed the UF speak to the bartender on duty and order three drinks.
9. At approximately 12:23 a.m., Investigators observed the bartender deliver the drinks to the UF. The drinks appeared to be Red Bull energy drink and vodka. She then ordered two additional drinks, a rum and soda, and a shot of an alcoholic beverage. Investigators observed the UF had difficulty getting her debit card and fumbled with her phone and the debit card.
10. Investigators then observed the UF's movements as she tried to bring the drinks back to her table. Her movements were awkward and unstable, and she was spilling the drinks. The UF's friend came over to assist her. When the UF returned to the table, she consumed the shot.
11. Investigators spoke to the UF and she admitted that she was a little drunk. She told Investigators that she would drink water now and that she was getting a ride home from her friends.
12. Investigators spoke to the Licensee and manager, Joe N. Chan, and informed him of the violation.
13. Investigator Keefe spoke to Mr. Chan to confirm that he understood the issues that Investigators witnessed. Mr. Chan stated that he understood that even if a patron is not driving, they cannot be served to the level of intoxication which Investigators had observed. Mr. Chan stated he always made sure any patron calls for a ride to ensure safe transportation home.
14. Investigators informed Mr. Chan that a report would be filed with the Chief Investigator for review.
15. Joe Chan attended the Commission hearing with his brother Paul Chan. Paul Chan is an employee of the Licensee and was working on the evening of the Investigators' visit. Paul Chan testified he partially observed the events described by Investigators. Paul Chan has since received TIPS certification and was trained on how to identify signs of intoxication. The Commission was informed that the

TIPS protocols have been adopted as the Licensee's policy and procedures. Joe Chan was also working on the night of the Investigator's visit. Joe Chan testified the UF had been at the licensed premises on prior occasions, and he believed she had a physical disability.

16. The Licensee has held a license under M.G.L. c. 138, § 12 since 2005 with no previous violations.

### CONCLUSION

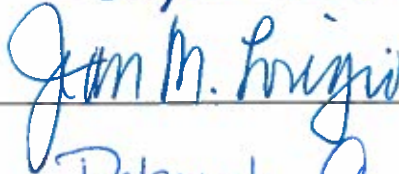
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Therefore, the Commission **suspends the license for a period of 2 days, which are hereby deemed served.**

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Dated: May 31, 2022

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  
Kyle E. Gill, Esq., Associate General Counsel  
Lisa Watson, Investigator  
Robert Gardner, Investigator  
Dennis Keefe, Investigator  
Nicole Smith, Investigator  
Michael L. Mahoney, Esq.  
Administration, File