



*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone: 617-727-3040  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**KOI ASIAN BISTRO INC. D/B/A OSAKA ASIAN BISTRO  
32-34 BROAD ST.  
MERRIMAC, MA 01860  
LICENSE#: 0694-00018  
VIOLATION DATE: 06/19/2017  
HEARING DATE: 08/22/2017**

Koi Asian Bistro Inc. d/b/a Osaka Asian Bistro (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, August 22, 2017, 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 Bailey's Report.

The following documents are in evidence:

1. Investigator Bailey's Compliance Check Field Report; and
2. Licensee's Stipulation of Facts.

A. TIPS Certificate for Xiuling Ni.

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

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

**FACTS**

1. On Monday, June 19, 2017, at approximately 6:37 p.m., Investigators Doyle and Bailey ("Investigators") investigated the business operation of Koi Asian Bistro Inc. d/b/a Osaka Asian Bistro.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a Bud Light beer for three dollars and nineteen cents (\$3.19). 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 a period of 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**

Elizabeth Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: August 22, 2017

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  
Brad Doyle, Investigator  
Rose Bailey, Investigator  
Jack Milgrim, Esq. via facsimile 617-227-3797  
Administration, File