



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**FENG IV LTD D/B/A FENG ASIAN BISTRO
70 WORCESTER PROVIDENCE TURNPIKE
MILLBURY, MA 01527
LICENSE # 00044-RS-0712
VIOLATION DATE: 5/01/2024
HEARD: 6/25/2024**

Feng IV Ltd d/b/a Feng Asian Bistro ("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, June 25, 2024, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.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 facts alleged in Investigators Binienda & Velez's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Binienda & Velez's Minimum Purchase Age Compliance Check Field Report, 5/1/2024;
 2. ABCC Form 43, New License Approval, 3/31/2010;
 3. Licensee's Stipulation of Facts.
- A. TIPS Certificates for Three Employees.

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

FINDINGS OF FACT

1. On Wednesday, May 1, 2024, at approximately 2:40 p.m., Investigators Binienda & Velez ("Investigators") conducted a compliance check at Feng IV LTD d/b/a Feng Asian Bistro.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one Bud Light draft beer for five dollars and eighty-nine cents (\$5.89). The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 12 since 2010 with no prior 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. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. As a result, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman _____



Deborah A. Baglio, Commissioner _____



Dated: June 28, 2024

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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2024-000110-ad-enf

- cc: Local Licensing Board
- Frederick G. Mahony, Chief Investigator
- Katherine McCormick, Associate General Counsel
- Nicholas Velez, Investigator
- Jamie Binienda, Investigator
- Robert A. DeFrino, Esq.
- Administration, File