



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

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

**DECISION**

**YAMA ZAKURA CORP. D/B/A YAMA ZAKURA  
369 MAIN STREET  
NORTHBOROUGH, MA 02301  
LICENSE#: 000050-PK-0920  
VIOLATION DATE: 4/26/2023  
HEARD: 8/01/2023**

Yama Zakura Corp. (“Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Tuesday, August 1, 2023, 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 years of age. Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigators Velez and Binienda’s Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Velez and Binienda’s Minimum Purchase Age Compliance Check Field Report, 4/26/2023;
  2. ABCC Form 43, New License Approval, 6/14/2006;
  3. Licensee’s Stipulation of Facts.
- A. Copy of Signage Posted in Licensed Premises;  
B. Copies of Employees’ TIPS Certifications.

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

FINDINGS OF FACT

1. On Wednesday, April 26, 2023, at approximately 5:20 p.m., Investigators Binienda and Velez (“Investigators”) conducted a compliance check at Yama Zakura Corp.
2. An underage operative, working under the supervision of Investigators, was served an alcoholic beverage, a Key Lime Twist mixed alcoholic beverage. The underage operative was not asked for identification.
3. Anna Bouphavichith, Licensee, appeared at the Commission hearing. The Commission was informed of steps taken to prevent future violations, including posting signage in the

licensed premises stating all patrons will be required to present identification prior to being served an alcoholic beverage, and educating employees.

4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2006 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. Therefore, the Commission issues a **WARNING**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Crystal Matthews, Commissioner *Crystal Matthews*

Deborah A. Baglio, Commissioner *Deborah A Baglio*

I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman *Jean M Lorizio*

Dated: August 23, 2023

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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2023-000085-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Nick Velez, Investigator  
Jamie Binienda, Investigator  
Michael Y. Edmonds, Esq.  
Administration, File