



*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**

**YAMATO HIBACHI & SUSHI BAR, INC.  
1200 BOSTON PROVIDENCE TURNPIKE  
NORWOOD, MA 02062  
LICENSE#: 00375-RS-0914  
VIOLATION DATE: 12/27/2019  
HEARD: 11/16/2021**

Yamato Hibachi & Sushi Bar, Inc. (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, November 16, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (3 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Report;
  2. ABCC Application Summary Review, License Transfer Approved; 11/9/2017;
  3. Copy of Fraudulent Identification Confiscated;
  4. Copy of Three Receipts, 12/27/2019;
  5. Licensee Stipulation of Facts.
- A. Licensee's letter and documentation package.

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

**FINDINGS OF FACT**

1. On Friday, December 27, 2019, at approximately 10:50 p.m., Investigators Keefe and Temple ("Investigators") conducted an inspection of the business operation of Yamato Hibachi & Sushi Bar, Inc. to determine the manner in which its business was being conducted.
2. While on the licensed premises, Investigators observed a group of youthful appearing individuals at the bar in possession of what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.

3. Underage #1, actual date of birth 1/13/2000 (age 19), informed Investigators he was in possession of a Blue Hawaii mixed alcoholic beverage. He stated to Investigators that he was not asked for identification.
4. Investigators requested to see the bar tab for Underage #1. The bartender on duty provided the bar tab to Investigators. The bar tab revealed that Underage #1 had also purchased a Captain Morgan Spiced rum drink and a scorpion bowl mixed alcoholic beverage. The bartender admitted that she did not request identification from this patron.
5. Underage #2, actual date of birth 8/07/1999 (age 20), informed Investigators he was in possession of an Angry Orchard Hard Cider. He stated to Investigators that he was not asked for identification.
6. Investigators requested to see the bar tab for Underage #2. The bar tab revealed that Underage #2 had purchased four (4) Angry Orchard Hard Ciders. The bartender admitted that she did not request identification from this patron.
7. Underage #3, actual date of birth 9/24/1999 (age 20), was in possession of a rum and Coke mixed drink. He stated he was asked for identification and presented to Investigators a fraudulent Maine driver's license in his own name with a different date of birth which he had presented when ordering the alcoholic beverages.
8. Investigators requested to see the bar tab for Underage #3. The bar tab revealed that Underage #3 had purchased one Captain Morgan Spiced rum drink, one shot of DiSaronno liqueur, one scorpion bowl mixed alcoholic beverage, and one Bud Light beer.
9. Investigators made certain the Underage Individuals had safe transportation home with a friend who had not been drinking.
10. Investigators informed the manager, Shu Li, of the violations and that a report would be filed with the Chief Investigator for further review.
11. The Commission was informed the bartender no longer works at the restaurant. The Licensee discussed this incident with his employees, all of whom are now required to have annual TIPS training. The Licensee also documented the economic difficulties his restaurant faced during the COVID State of Emergency.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017 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, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (3 Counts). Therefore, the Commission **suspends the license for a period of 5 days which is hereby deemed served.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Deborah Baglio, Commissioner

*Deborah A Baglio*

Crystal Matthews, Commissioner

*Crystal Matthews*

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Jean M. Lorizio, Chairman

*Jean M. Lorizio*

Dated: June 1, 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  
Joseph Di Cicco, Investigator  
Dennis Keefe, Investigator  
W. Jay Lee, Esq.  
Administration, File