

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

NOTICE OF SUSPENSION

December 22, 2014

TEA CAFÉ INC.  
2 TARBELL STREET  
PEPPERELL, MA 01463  
LICENSE#: 096200009  
VIOLATION DATE: 07/18/2014  
HEARD: 12/17/2014

After a hearing on December 17, 2014, the Commission finds Tea Café Inc. in violation of 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C - Possession of an alcoholic beverage by a person under 21 years of age (3 counts).

The Commission suspends the licensee's license for a total of six (6) days to be served. The suspension shall commence on Wednesday, February 18, 2015, and terminate on day, Monday, February 23, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 18, 2015 at 9:00 A.M. It will be returned to the licensee Tuesday, February 24, 2015.

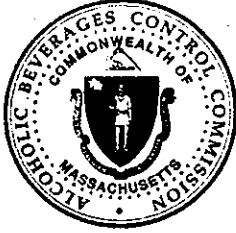
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Rose Bailey, Investigator  
Brad Doyle, Investigator  
Administration, File



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**DECISION**

**TEA CAFÉ INC.**  
**2 TARBELL STREET**  
**PEPPERELL, MA 01463**  
**LICENSE#: 096200009**  
**VIOLATION DATE: 07/18/2014**  
**HEARD: 12/17/2014**

Tea Café Inc. (the "Licensee") holds an alcohol beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Wednesday, December 17, 2014, regarding an alleged violation of 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C - Possession of an alcoholic beverage by a person under 21 years of age (3 counts). 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 Investigative Report dated July 18, 2014; and
  2. Licensee's Stipulation of Facts;
- A. TIPS Certifications for Licensee.

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

**FACTS**

1. On Friday, July 18, 2014, at approximately 9:20 p.m., Investigators Doyle and Bailey investigated the business operation of Tea Café Inc. to determine the manner in which their business was being conducted, and to investigate numerous complaints received by this Commission.
2. Investigators entered the premises and observed that the dining room had an open floor plan which was well lighted. Investigators observed approximately 10 individuals seated at four separate tables in the dining room.
3. In the far corner of the restaurant, investigators observed three youthful appearing females seated at a table, and all females were in possession of what appeared to be alcoholic beverages.
4. Investigators approached the youthful looking female individuals, identified themselves, and asked to see identification.
5. The female patrons stated that they did not have identification with them.

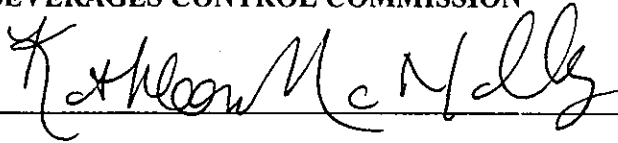
6. After further conversation with investigators, the female patrons admitted that none of them were 21 years of age.
7. The female patrons also stated that they were not asked for identification by the male waiter. They further stated that they had been at the restaurant a number of times before, and had never been asked for identification.
8. The females were identified as: Jessica Nordstrom, actual date of birth [REDACTED] (age 20) in possession of a Pineapple Passion (rum and fruit juice).
9. Cornia Proulx, actual date of birth [REDACTED] (age 20) in possession of a Mia Tia (Tia Maria liqueur).
10. Nichole Lowder, actual date of birth [REDACTED] (age 20) in possession of a White Russian (Kahlua liqueur, vodka, and cream).
11. Investigators contacted the parents of the underage patrons. Ms. Nordstrom's mother arrived and provided safe transportation home for all of the underage females.
12. Investigator Doyle spoke with the waiter, Liu Peng Fei aka Paul, and requested that he contact the Licensee. Paul informed investigators that the owner was on his way to the restaurant.
13. During conversation with Investigator Doyle, Mr. Fei stated that:
  - o he had worked at the restaurant for approximately 2 months;
  - o the three women at the table were known to other employees and they were not asked for identification;
  - o he knew that the women had been at the restaurant a number of times;
  - o his job is to keep the customers happy.
14. A female, Hui Jian Su, arrived at the premises. Investigators asked if she were the owner, to which she stated no.
15. After speaking with Ms. Su, it became apparent that she had some difficulty understanding the questions being asked of her by investigators.
16. Investigators then asked Mr. Fei if he would be able to act as an interpreter.
17. Mr. Fei stated that "they both know some English."
18. Investigators informed both the license manager and the waiter that a violation report would be filed with the Chief Investigator for further action.
19. Investigators spoke with Detective Tom Maskalenko and Sergeant Herrera of the Pepperell Police Department, who arrived at the premises. Investigators informed the officers that a report would be filed with the Chief Investigator for review and further action.

#### 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, §34C - Possession of an alcoholic beverage by a person under 21 years of age (3 counts). Therefore, the Commission **suspends the license for nine (9) days of which six (6) days will be served and 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.**

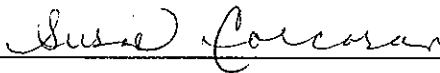
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Susan Corcoran, Commissioner



DATE: December 22, 2014

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.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Rose Bailey, Investigator  
Brad Doyle, Investigator  
Administration  
File