

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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

NOTICE OF SUSPENSION

April 4, 2014

**LUCKY TREE, INC. DBA JING GARDEN**  
**13 TAUNTON ST**  
**PLAINVILLE, MA 02762**  
**LICENSE#: 097800027**  
**VIOLATION DATE: 11/27/2013**  
**HEARD: 03/18/2014**

After a hearing on March 18, 2014, the Commission finds Lucky Tree, Inc. dba Jing Garden in violation of M.G.L. c.138 §23 - Sale of Alcoholic Beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22A (8 Counts).

The Commission **suspends the licensee's license for a total of one (1) day to be served. The suspension shall commence on Wednesday, May 21, 2014, and terminate on Wednesday, May 21, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 21, 2014 at 9:00 A.M. It will be returned to the licensee Thursday, May 22, 2014.

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  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
Administration  
File

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**DECISION**

**LUCKY TREE, INC. DBA JING GARDEN**  
**13 TAUNTON ST**  
**PLAINVILLE, MA 02762**  
**LICENSE#: 097800027**  
**VIOLATION DATE: 11/27/2013**  
**HEARD: 03/18/2014**

Lucky Tree, Inc. dba Jing Garden holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 18, 2014 regarding an alleged violation of M.G.L. c.138 §23 - Sale of Alcoholic Beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22A (8 Counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents and physical items are in evidence as exhibits:

1. Investigator Keefe's Report dated November 27, 2014;
2. Licensee's Stipulation of Facts; and
3. A Box Containing 7 Bottles of Vodka.

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

**FACTS**

1. On Wednesday, November 27, 2013, at approximately 1:30 p.m., Investigators Keefe and Kujawski entered Lucky Tree, Inc. dba Jing Garden to determine the manner in which the business was conducted, and to address an anonymous complaint filed with the Alcoholic Beverages Control commission.
2. Investigators identified themselves to a male, Steve Wu, who stated that he was the owner. Investigators informed Mr. Wu that an anonymous complaint had been filed with the Commission and that Investigators would be conducting an inspection of the licensed premises.

3. Investigators asked Mr. Wu if he purchased any alcohol at local package stores and Mr. Wu admitted that he had. He stated he had purchased Tito's Vodka at a package store, and showed the Investigators a bottle of the vodka at the bar.
4. Mr. Wu stated he was having difficulty purchasing the vodka through his wholesalers, and his customers were requesting the Tito's brand because it was gluten free.
5. Mr. Wu brought the Investigators to his storage room, located in the back of the establishment, where he showed Investigators seven (7) additional bottles of Tito's Vodka. Investigators obtained a total of eight (8) bottles of Tito's Vodka.
6. Investigators informed Mr. Wu that a report would be submitted to the Chief Investigator for review, and thanked him for his cooperation.

### CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138 §23 - Sale of Alcoholic Beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special license under §22A (8 Counts). Therefore, the Commission **suspends the license for one (1) day.**

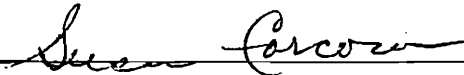
### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Susan Corcoran, Commissioner



Dated: April 7, 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  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
Administration  
File