



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

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

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

NOTICE OF SUSPENSION

October 27, 2015

**NEW KI-YU-YA, INC. DBA SAKE JAPANESE RESTAURANT**  
**670 BROADWAY STREET**  
**SAUGUS, MA 01906**  
**LICENSE#: 107800012**  
**VIOLATION DATE: 08/20/2015**  
**HEARD: 10/27/2015**

After a hearing on October 27, 2015, the Commission finds New Ki-Yu-Ya, Inc. dba Sake Japanese Restaurant violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: c. 138, §34C Possession of an alcoholic beverage by a person under twenty-one (21) years of age (7 Counts).

The Commission suspends the license for thirty (30) days of which ten (10) days will be served and twenty (20) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, December 16, 2016, and terminate on Friday, December 25, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, December 16, 2015 at 9:00 A.M. It will be returned to the licensee Saturday, December 26, 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 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.

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ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro  
Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
Administration  
File



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*Department of the State Treasurer*  
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*Deborah B. Goldberg*  
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**DECISION**

**NEW KI-YU-YA, INC.**  
**DBA SAKE JAPANESE RESTAURANT**  
**670 BROADWAY STREET**  
**SAUGUS, MA 01906**  
**LICENSE#: 107800012**  
**VIOLATION DATE: 08/20/2015**  
**HEARD: 10/27/2015**

New Ki-Yu-Ya, Inc. dba Sake Japanese Restaurant (the "Licensee") 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, October 27, 2015, regarding an alleged violation of 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: c. 138, §34C Possession of an alcoholic beverage by a person under twenty- one (21) years of age (7 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report dated August 20, 2015;
2. Licensee's Stipulation of Facts; and
3. Photocopy of Three (3) Out of State Driver's Licenses.

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

The Commission took Administrative Notice of the Licensee's record.

**FACTS**

1. On Thursday, August 20, 2015, at approximately 8:50 p.m., Investigators Keefe and Kujawski ("Investigators") conducted an investigation of the business operation of New Ki-Yu-Ya, Inc. dba Sake Japanese Restaurant to determine the manner in which the business was being conducted.

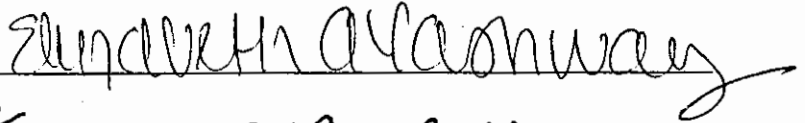
2. Investigators entered the licensed premises and observed youthful appearing individuals sitting at two separate tables.
3. Investigator Keefe approached one table, at which there sat three females in possession of alcoholic beverages, later identified as a Scorpion Bowl and Hawaiian Breeze.
4. Investigator Keefe asked the female subjects for identification and established that they were under twenty- one (21) years of age.
5. The subjects were all in possession of false out of state driver's licenses.
6. The following information was recorded about the underage subjects:
  - a. Underage 1, actual date of birth of 07/01/1997 (age 18) was in possession of a Scorpion Bowl cocktail.
  - b. Underage 2, actual date of birth of 10/26/1997 (age 17), was in possession of a Hawaiian Breeze cocktail.
  - c. Underage 3, actual date of birth of 04/10/1997 (age 18), was in possession of a Scorpion Bowl cocktail.
7. Investigator Kujawski approached the other table, at which there sat five individuals, four in possession of alcoholic beverages, later identified as Scorpion Bowl cocktails.
8. Investigator Kujawski asked the individuals for identification and established that they were under twenty- one (21) years of age.
9. The subjects stated that when they ordered the alcoholic beverages, they all showed their real identifications, and their waitress, Jan C., did not question them and served them the alcoholic beverages.
10. The following information was recorded about the underage subjects:
  - a. Underage 4, actual date of birth of 02/28/1996 (age 19).
  - b. Underage 5, actual date of birth of 06/03/1996 (age 19).
  - c. Underage 6, actual date of birth of 09/30/1995 (age 19).
  - d. Underage 7, actual date of birth of 12/10/1995 (age 19).
11. Investigators informed the waitress Jan C. along with an unidentified male employee, of the above violations and that a report would be filed with the Chief Investigator for review.

### 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: c. 138, §34C Possession of an alcoholic beverage by a person under twenty- one (21) years of age (7 Counts). Therefore, the Commission **suspends the license for thirty (30) days of which ten (10) days will be served and twenty (20) 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**

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: October 27, 2015

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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