

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

March 15, 2016

**LIANGFENG INC. D/B/A ROSE GARDEN
1 SOUTHVILLE RD.
SOUTHBOROUGH, MA 01772
LICENSE#: 121600003
VIOLATION DATE: 10/22/2015
HEARD: 3/15/2016**

After a hearing on March 15, 2016, the Commission finds Liangfeng Inc. d/b/a Rose Garden 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 permit under §22A (1 Count).

Therefore, the Commission **suspends the license for four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

By decision dated January 21, 2014, the Commission had previously ordered a three (3) day license suspension to be held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violations found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) day suspension. The Licensee will serve a total five (5) days.

The suspension shall commence on Wednesday, May 4, 2016 and terminate on Sunday, May 8, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 4, 2016 at 9:00 A.M. It will be returned to the Licensee Monday, May 9, 2016.

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 the Licensee and 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

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



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Department of the State Treasurer
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DECISION

LIANGFENG INC. D/B/A ROSE GARDEN
1 SOUTHVILLE RD.
SOUTHBOROUGH, MA 01772
LICENSE#: 121600003
VIOLATION DATE: 10/22/2015
HEARD: 3/15/2016

Liangfeng Inc. d/b/a Rose Garden (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, March 15, 2016, regarding 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 permit under §22A (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the violations alleged in Investigator Kujawski's Report.

The following documents are in evidence:

1. Investigator Kujawski's Investigative Report dated October 22, 2015;
2. Licensee's Stipulation of Facts;
3. Photocopy of L. Chen's MA Driver's License;
4. Receipts from BJ's Wholesale Club; and
5. Box of Confiscated Bottles of Alcohol.

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

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

FACTS

1. On Thursday, October 22, 2015, at approximately 8:45 p.m., Investigators Kujawski and Keefe ("Investigators") conducted an investigation of the business operation of Liangfeng Inc. d/b/a Rose Garden to determine the manner in which its business was being conducted and in response to a complaint that the Licensee was purchasing alcohol from package stores.

2. Investigators entered the licensed premises and identified themselves to the manager on duty, later identified as Chen Liangfeng.
3. Investigators asked Mr. Liangfeng to see the inventory of alcohol on the licensed premises.
4. Mr. Liangfeng led Investigators to a storage room in the rear of the establishment that had a small amount of inventory.
5. Mr. Liangfeng informed Investigators that he purchased alcohol from BJ's Wholesale Club in Northborough.
6. Investigator Kujawski then informed Mr. Liangfeng that it is illegal to purchase alcoholic beverages from other than those licensed under §18 or §19 or from a holder of a special permit under §22A.
7. Mr. Liangfeng then produced two receipts from BJ's Wholesale Club in Northborough for alcohol purchases totaling \$180.70.
8. Upon review of the alcoholic beverage inventory, the following was removed as evidence of the illegal purchase from other than a licensed under §18 or §19 or from a holder of a special permit under §22A:
 - 1 bottle, 1.5 liter- Woodbridge Chardonnay;
 - 1 bottle, 1.75 liter- Absolut Vodka; and
 - 1 bottle, 1.75 liters- Canadian Club Whisky.
9. Investigators advised Mr. Liangfeng of the violation and that a report would be filed with the Chief Investigator for further action.

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 permit under §22A (1 Count).

Therefore, the Commission **suspends the license for four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

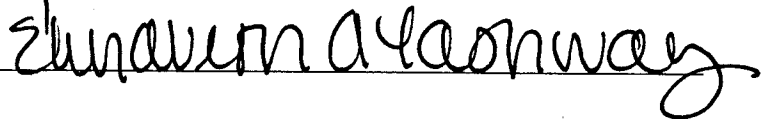
By decision dated January 21, 2014, the Commission had previously ordered a three (3) day license suspension to be held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violations found above, the Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) day suspension. The Licensee will serve a total five (5) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Elizabeth A. Lashway, Commissioner



Dated: March 15, 2016

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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