



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

DECISION

MOON GLOW RESTAURANT, INC. D/B/A CHINA MOON RESTAURANT
170 MAIN ST.
STONEHAM, MA 02180
LICENSE#: 124200005
VIOLATION DATE: 05/13/2016
HEARING DATE: 10/25/2016

Moon Glow Restaurant, Inc. d/b/a China Moon 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 25, 2016, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. 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 Compliance Check Field Report dated May 13, 2016; and
2. Licensee's Stipulation of Facts.
 - A. List of Licensee's Employees with TIPS Training.

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

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

FACTS

1. On Friday, May 13, 2016, at approximately 7:20 p.m., Investigators Di Cicco and Keefe investigated the business operation of Moon Glow Restaurant, Inc. d/b/a China Moon Restaurant.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a Budweiser Light beer for four dollars and fifty cents (\$4.50). The underage operative was not asked for identification.


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, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the Licensee has been in business over 30 years and has had no previous violations, the Commission issues a **WARNING**.

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.

Elizabeth A. Lashway, Commissioner 

Dated: November 3, 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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Joseph Di Cicco, Investigator
Administration, File