



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

MPY RESTAURANT INC. DBA RED GINGER RESTAURANT
117 GREAT RD
STOW, MA 01775
LICENSE#: 124600016
VIOLATION DATE: 05/27/2015
HEARD: 08/18/2015

MPY Restaurant Inc. dba Red Ginger 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, August 18, 2015, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: 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 Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Compliance Check Field Report dated May 27, 2015;
 2. Licensee's Stipulation of Facts;
 3. ABCC's 2015 Compliance Check Guidelines; and
 4. Photograph of Underage Operative.
- A. Posted Notice 12/15/2010 for Employees; and
B. Posted Notice 5/30/2015 for Employees.

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

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

FACTS

1. On Wednesday, May 27, 2015, at approximately 6:00 p.m., Investigators Bailey and Doyle conducted an investigation of the business operation of MPY Restaurant Inc. dba Red Ginger Restaurant.
2. While on the licensed premises an underage operative working with investigators purchased from the Licensee an alcoholic beverage, a bottle of Budweiser Light beer, for three dollars and seventy-two cents (\$3.72). 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: c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for three (3) days of which 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

Kim S. Gainsboro, Chairman

Elizabeth Lashway, Commissioner

Dated: August 18, 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.

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