

*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*

**DECISION**

**CHEOY LEE'S GALLEY II**  
**RT 12 STERLING ST.**  
**WEST BOYLSTON, MA 01583**  
**LICENSE#: 136400013**  
**VIOLATION DATE: 06/03/2013**  
**HEARD: 09/10/2013**

Cheoy Lee's Galley II (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, September 10, 2013, 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 Bailey's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
  2. Investigator Bailey's Compliance Check Field Report dated June 3, 2013;
  3. Compliance Check Guidelines;
  4. Underage Operative's Release to Conduct Compliance Check; and
  5. Photograph of Underage Operative.
- A. Photocopy of ServSafe Safe Alcohol Certificate for License Manager.

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

**FACTS**

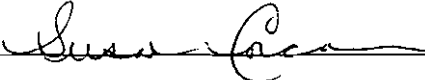
1. On Monday, June 3, 2013, at approximately 7:08 p.m., Investigators Bailey and Doyle conducted an investigation of the business operation of Cheoy Lee's Galley II.
2. An underage operative working with investigators purchased an alcoholic beverage, a bottle of Budweiser Light beer, for three dollars and twenty cents (\$3.20). The underage operative was not asked for identification.

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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. As the licensee has been in business for more than ten (10) years and has had no previous violations, the Commission issues a **WARNING**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner \_\_\_\_\_  


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

Kathleen McNally, Commissioner \_\_\_\_\_  


Dated: September 11, 2013

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