



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

Deborah B. Goldberg
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

November 9, 2016

PANDA HOUSE, INC DBA PANDA HOUSE
589 EAST MAIN ST
WESTFIELD, MA 01085
LICENSE#: 144000080
VIOLATION DATE: 05/05/2016
HEARD: 11/08/2016

After a hearing on November 8, 2016, the Commission finds Panda House Inc. d/b/a Panda House violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (3 counts).

Therefore the Commission suspends the license for a period of twelve (12) days of which two (2) days will be served, and ten (10) 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, January 11, 2017 and terminate on Thursday, January 12, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 11, 2017 at 9:00 A.M. It will be returned to the licensee on Friday, January 13, 2017.

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
Nicholas Velez, Investigator
Jan Kujawski, Investigator
Administration, File



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

Deborah B. Goldberg
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DECISION

Kim J. Gainsboro, Esq.
Chairman

PANDA HOUSE, INC DBA PANDA HOUSE
589 EAST MAIN ST
WESTFIELD, MA 01085
LICENSE#: 144000080
VIOLATION DATE: 05/05/2016
HEARD: 11/08/2016

Panda House Inc. d/b/a Panda House (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, November 8, 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, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (3 counts). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Velez's report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report dated May 5, 2016;
2. Licensee's Stipulation of Facts;
3. RMV Report and Fraudulent South Carolina Driver's License of Underage #1;
4. RMV Report and Fraudulent Maine Driver's License of Underage #2; and
5. RMV Report and Fraudulent Rhode Island Driver's License of Underage #3.

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

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

FACTS

1. On Thursday, May 05, 2016, at approximately 9:54 p.m., Investigators Kujawski and Velez ("Investigators") conducted an investigation of the business operation of Panda House Inc. d/b/a Panda House to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and observed a group of youthful appearing individuals, seated at a table, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 8/14/1997 (age 19) was in possession of a Scorpion bowl. She presented Investigators with a false South Carolina driver's license.

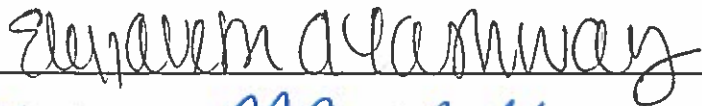
4. Underage #2, actual date of birth 9/06/1996 (age 19) was in possession of a Scorpion bowl. She presented Investigators with a false Maine driver's license.
5. Underage #3, actual date of birth 4/08/1997 (age 19) was in possession of a Scorpion bowl. She presented Investigators with a false Rhode Island driver's license.
6. Investigators spoke to the owner, Cui Ying Lin, and identified the underage individuals to him.
7. Investigators informed Mr. Lin 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 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (3 counts). Therefore the Commission **suspends the license for a period of twelve (12) days of which two (2) days will be served, and ten (10) 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: November 9, 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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