

*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150-2358*

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**JIAN HUI GROUP INC. D/B/A FOODWORKS  
50 SOUTHWEST CUTOFF, SUITE 4, RT 20  
WORCESTER, MA 01604  
LICENSE#: 00319-RS-1508  
VIOLATION DATE: 12/12/2019  
HEARD: 9/22/2021**

Jian Hui Group Inc. d/b/a Foodworks (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "ABCC" or Commission") held a remote hearing via Microsoft Teams on Wednesday, September 22, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts in Investigator Keefe's report.

The following documents are in evidence:

1. Investigator Keefe's Report;
2. Form 43 Transfer Application Approval, 12/5/2008;
3. ABCC Decision, 5/16/2014;
4. Licensee's Stipulation of Facts.

**FINDINGS OF FACT**

1. On Thursday, December 12, 2019, at approximately 9:20 p.m., Investigators Di Cicco and Keefe along with Chief Investigator Mahony ("Investigators") inspected the business operation of Jian Hui Group Inc. d/b/a Foodworks to determine the manner in which its business was being conducted.
2. Investigator Keefe entered the licensed premises and observed a female individual, later identified as Sandra, seated at the corner of the bar with three other patrons. At the time of the investigation, the establishment was well lit with minimal background noise. There were approximately nine patrons inside.
3. Investigator Keefe sat approximately 12 feet away from Sandra with a clear view of her. Investigator observed Sandra had what appeared to be a mixed drink in front of her and was continuously talking to the patrons around her. Sandra's

speech was slurred during her conversations and she repeated the word “whatever” at the end of each sentence.

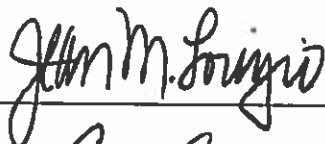
4. Investigator Keefe observed the bartender on duty, Wen H. was involved in the conversation with Sandra and the other patrons seated at the bar.
5. At approximately 9:36 p.m., Investigator Keefe observed that Sandra and a male patron to her left were served an additional drink. Sandra’s drink appeared to be a vodka and soda.
6. At approximately 9:56 p.m., Sandra and the three other people with her were the only patrons remaining in the establishment.
7. Investigator Keefe observed Sandra continue to consume her alcoholic beverage, while closing her eyes for long periods of time. Sandra’s movements were uncoordinated as she reached for her glass and lifted it to her mouth. Sandra repeatedly stated she was not driving.
8. At approximately 10:00 p.m., Sandra asked the bartender Wen for a bag of noodles. Her speech was strongly slurred.
9. At approximately 10:02 p.m., Sandra asked the bartender for another drink, but on the weaker side. The patron to Sandra’s right sarcastically told Wen, “Yeah, make it a water.” Wen made another vodka and soda and placed it in front of Sandra.
10. Investigator Di Cicco later entered the premises and sat next to Investigator Keefe. Di Cicco observed Sandra’s speech to be slurred and she continually closed her eyes while seated at the bar.
11. Based on their observations, training and experience, Investigators determined Sandra was intoxicated.
12. At approximately 10:15 p.m., Chief Investigator Mahony entered the licensed premises, and Investigators spoke to the bartender, Wen. They asked Wen what was the last drink that he had served Sandra. Wen stated Sandra’s last drink was water. Investigator Keefe approached Wen and stated, “Sir I believe I saw you pour vodka.” Wen then admitted he did but stated, “It was just a little vodka.” Wen further stated that Sandra was a regular patron and was not driving.
13. Investigators informed Wen of the violation and that a report would be submitted to the Chief Investigator for further review.
14. Mr. Wen Hui Zhang, Licensee and Manager of Record, license appeared at the Commission hearing.
15. The Licensee has held a license under M.G.L. c. 138, § 12 since 2008 with one previous violation.

### CONCLUSION

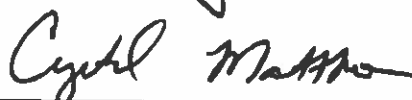
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, § 69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore, the Commission **suspends the license for a period of 3 days, which are hereby deemed served.**

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: November 12, 2021

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  
Kyle E. Gill, Esq., Associate General Counsel  
Dennis Keefe, Investigator  
Joseph Di Cicco, Investigator  
Officer Patrick Harrington, Worcester PD  
Wei Ji, Esq.  
Administration, File