

Re: Millennium Eatery, Inc.  
d.b.a.: Beijing Restaurant  
Premises: 1250 Osgood Street  
City/Town: North Andover, MA 01845  
License: AA Restaurant  
Heard: March 24, 2009

### DECISION

A Commission hearing was held to determine whether Millennium Eatery, Inc. d.b.a. Beijing Restaurant violated Ch. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (3 counts).

The licensee stipulated to the Investigator's report. Investigator Rosemary Egan-Bailey testified that she and Investigator Keefe entered the Millennium Eatery, Inc. to observe the premises when they entered they observed approximately forty patrons in the lounge. Investigator Egan-Bailey testified that their attention was focused on the service of alcoholic beverages to intoxicated patrons. They also noticed that many of the patrons who were being served alcoholic beverages were very youthful and none of them were checked for proof of age.

The individuals were approached and asked for identification. The first individual, a female provided the investigator with a New Hampshire Driver's License indicating her date of birth to be 9/27/1987 (21 years of age). The second individual, another female provided a Massachusetts Driver's License with a date of birth to be 8/20/1987 (21 years of age). She was asked for additional identification and then provided a Bank of America Visa Card. Investigator Egan-Bailey testified that Investigator Keefe after viewing the identification told her it was not hers and she acknowledged that it wasn't hers. She was then asked if she had been asked for identification and she said she hadn't but that her friend had ordered the drink at the bar for her.

Investigator Egan-Bailey further testified that she subsequently spoke to the manager on duty about serving the two females and while she was engaged in conversation with him, Investigator Keefe observed two other females in possession of alcoholic beverages and asked them for identification. Each individual provided identification of someone else and told Investigator Keefe that they had not been asked for ID. Their dates of birth were 2/22/1989 and 12/26/1988 and both were in possession of Long Island Ice Tea beverages. The first female had her sister's Massachusetts Driver's License and the second had an expired New Hampshire Driver's License.

The manager was then spoken to about notices received by the Commission from the Massachusetts Trial Courts pursuant to MGL Ch. 90 §24J. During this time, an argument ensued about the responsibility of identification check between the manager, the bartenders and the security as the Investigators were exiting the premises. Having spoken to the manager about the serious nature of the offense, the Investigators observed a female in a black vehicle driving erratically in the parking lot. Members of the North Andover Police Department (who were present with the Investigators) were able to apprehend the female and place here into protective custody.

The Commission finds the licensee in violation of Ch. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (3 counts) and, therefore, **suspends the license for 11 days of which 3 days will be held in abeyance for a period of two years provided no further violation of Ch. 138 or Commission regulations occur.**

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.

Robert H. Cronin, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 7<sup>th</sup> day of April 2009.

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 days of receipt of this decision.

cc: Local Licensing Board  
John P. Connell, Esq.  
File