

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

ROYAL GARDEN RESTAURANT
3 TREMONT STREET
KINGSTON, MA 02364
LICENSE #: 056800016
VIOLATION DATE: 08/08/2012
HEARD: 11/20/2012

Royal Garden Restaurant, Inc. (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 20, 2012, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 94, §186- Falling below the standards of purity (6 Counts). Prior to the hearing the licensee stipulated to the facts detailed in Investigator Tara Kelleher's report.

The following document is in evidence:

1. Investigator Kelleher's Investigative Report; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Wednesday August 8, 2012 at approximately 12:00 pm, Investigators Velez, Kujawaski and Kelleher conducted an administrative investigation of the above-referenced establishment.
2. Upon entering the premises they identified themselves to the bartender on duty and requested to speak to the manager of the premise.
3. They were advised that the manager was unavailable at this time and that in his absence YU Ping Wa was "in charge."
4. They advised Mr. Wa their purpose for conducting an administrative inspection of the bar and liquor storage area and he directed them to the bar area.
5. After inspection of the open alcoholic beverage bottles, Investigators observed that the following six (6) bottles contained foreign matter and fruit flies and were taken as evidence:
 - Martini & Rossi Extra Dry Vermouth
 - Strawberry Patch Schnapps
 - Jose Cuervo Tequila
 - Southern Comfort Whiskey
 - Bacardi 151
 - Martini & Rossi Dry Vermouth

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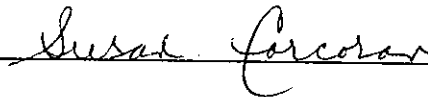
6. Mr. Wa was provided an opportunity to write down the names of the confiscated liquor bottles and was advised of the violations and the hearing process.
7. All items were entered into the evidence system and tag #1354 was affixed in accordance with department policy.

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. Ch. 94, §186- Falling below the standards of purity (6 Counts). 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.**

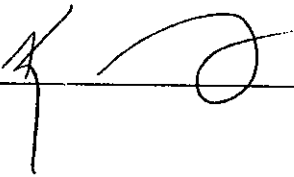
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



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

Kim S. Gainsboro, Chairman



Dated: November 27, 2012

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
Tara Kelleher, Investigator
Administration
File