

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

Steven Grossman
Treasurer and Receiver General

DECISION

Kim J. Gainsboro, Esq.
Chairman

WAI-HON INC. DBA FUNG WONG RESTAURANT
844 HIGH ST.
CLINTON, MA 01510
LICENSE#: 023400010
VIOLATION DATE: 04/30/2013
HEARD: 07/23/2013

Wai-Hon Inc. dba Fung Wong Restaurant (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, July 23, 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 April 11, 2013;

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

FACTS

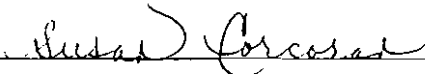
1. On Thursday, April 11, 2013, at approximately 6:30 p.m., Investigators Doyle and Bailey conducted an investigation of the business operation of Wai-Hon Inc. dba Fung Wong Restaurant.
2. An underage operative working with investigators purchased an alcoholic beverage, a bottle of Budweiser Light beer, for three dollars and seventy-five cents (\$3.75). 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 over 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: July 23, 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
- Rose Bailey, Investigator
- Brad Doyle, Investigator
- Administration
- File