

Re: J.K. Wong, Inc. dba China Ruby
Premises: 42 Nason Street
City/Town: Maynard, MA 01754
License: AA-Rest
Heard: March 1, 2005

Decision

A Commission hearing was held to determine whether J.K Wong, Inc. ("licensee") violated 204 CMR 2.05(2) permitting an illegality on the licensed premise, to wit: c. 138, §69 sale of an alcoholic beverage to an intoxicated person (2 counts).

The licensee stipulated to the facts of the investigators report, which in essence operates as an admission to the charges.

Investigator Timothy Hooton states in his report that both he and Investigator Kujawski observed two patrons who appeared intoxicated at the time of service. One of the patrons had red, bloodshot and glassy eyes with slurred speech. The investigator overheard the patron say that he had too much to drink. The other patron's speech was slurred and he was thick tongued. The investigator stated that the patron "attempted to put the glass up to his mouth the straw would hit the side of his face".

The Commission finds the licensee in violation of violated 204 CMR 2.05(2) permitting an illegality on the licensed premise, to wit: c. 138, §69 sale of an alcoholic beverage to an intoxicated person (2 counts) and suspends said license for six (6) days. The Commission further notifies said licensee that the investigators initial reason for visit said establishment was due to two 24(J) reports from criminal courts of persons who were convicted of D.U.I. and reported drinking at the licensed establishment. Although, the Commission cannot separately penalize said licensee for 24(J) reports, said reports will more than likely result in greater security by this agency.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Eddie J. Jenkins, Chairman _____

Suzanne Iannella, Commissioner _____

Dated at Boston, Massachusetts this 8th day of March 2005.

You have the right to appeal this decision to the Superior Court under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.