

DECISION

**ONE HUNDRED AND SEVENTY-THREE MILK STREET DBA COOGAN'S BLUFF
171-173 MILK STREET
BOSTON, MA 02114
LICENSE#: 011600551
HEARD: 2/22/2011**

One Hundred and Seventy-Three Milk Street dba Coogan's Bluff ("Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, February 22, 2011, regarding an alleged violation of M.G.L. c.138, §34C (2 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Paul Capurso's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Paul Capurso's Report;
3. License of Underage Patron 1; and
4. License of Underage Patron 2.

There is one (1) tape of this hearing.

FACTS

1. On Saturday, December 18, 2010 at approximately 12:50 a.m., Investigators Teehan, Chief Investigator Mahony and Investigator Capurso entered One Hundred and Seventy-Three Milk Street dba Coogan's Bluff Coogan's Bluff in order to determine the manner in which the business was being conducted.
2. Upon entering, their attention was drawn to two (2) youthful looking individuals in possession of alcoholic beverages.
3. Investigator Teehan and Investigator Capurso approached the youthful looking patrons in possession of the alcoholic beverages and identified themselves as Investigators with the Commission.
4. They asked to see their identification and proof of age.
5. Both underage persons provided false identification when asked for identification and then provided their true identification.
6. Each individual was then identified to the manager on record and the manager was informed that a violation report would be filed.
7. An administrative review of the file indicates that this is the first violation in fifteen (15) years of ownership.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M. G. L. c. 138, §34C (2 counts). Therefore, the Commission issues a WARNING on the first count and **suspends the licensee's license for a period of 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 on the second count.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner_____

Robert H. Cronin, Commissioner_____

Dated: May 27, 2011

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
Paul Capurso, Investigator
File