



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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

January 5, 2012

Amended

EL CESAR'S RESTAURANT, INC.
99 ESSEX STREET
LAWRENCE, MA 01840
LICENSE#: 059400201
HEARD 11/22/2011

After a hearing on November 29, 2011, the Commission finds El Cesar's Restaurant, Inc. in violation of M.G.L. c.138, §69.

The Commission suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, February 8, 2012 and terminate on Sunday, February 12, 2012. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 8, 2012 at 9:00 A.M. It will be returned to the licensee Monday, February 13, 2012. No offer in compromise will be considered for two (2) of the five (5) days suspension for this penalty.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Rosemary Egan-Bailey, Investigator
Administration
File



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

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DECISION

EL CESAR'S RESTAURANT, INC.
99 ESSEX STREET
LAWRENCE, MA 01840
LICENSE#: 059400201
HEARD 11/22/2011

El Cesar's Restaurant, Inc. (the "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, November 22, 2011, regarding an alleged violation of 204 CMR 4.03 (1) (c). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rosemary Egan-Bailey's Report.

The following documents are in evidence:

1. Investigative Report (with licensee's promotional flyer attached) of Rosemary Egan-Bailey dated September 3, 2011; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Saturday, September 3, 2011, at approximately 12:15 a.m., Chief Investigator Mahony with Investigators Egan-Bailey, Capurso, and Doyle investigated the business operation of El Cesar's Restaurant, Inc. to determine how their business was being conducted.
2. Investigators approached the licensed premises on foot.
3. Investigators observed the owner, Mr. Vargas, who is known to Investigator Egan-Bailey, outside the licensed premises.
4. Investigators identified themselves, and informed Mr. Vargas they were conducting an investigation based upon a complaint filed with the Commission.
5. Investigators Capurso and Doyle entered the licensed premises to conduct the inspection.
6. Chief Investigator Mahony with Investigator Egan-Bailey conducted an interview with Mr. Vargas.
7. Investigators requested to see the posted liquor license and occupancy permit for the licensed premises.
8. Mr. Vargas provided the requested documents to the investigators along with a business card of the City of Lawrence Mayor William Lantigua.
9. Investigators stated the business card was not requested and returned it to Mr. Vargas.

AMENDED NOTICE OF SUSPENSION

January 10, 2012

**EL CESAR'S RESTAURANT, INC.
99 ESSEX STREET
LAWRENCE, MA 01840
LICENSE#: 059400201
HEARD 11/22/2011**

After a hearing on November 22, 2011, the Commission finds El Cesar's Restaurant, Inc. in violation of 204 CMR 4.03 (1) (c).

The Commission **suspends the licensee's license for a total of five (5) days to be served.** The suspension shall commence on **Wednesday, February 8, 2012 and terminate on Sunday, February 12, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 8, 2012 at 9:00 A.M. It will be returned to the licensee Monday, February 13, 2012. **No offer in compromise will be considered for two (2) of the five (5) days suspension for this penalty.**

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ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

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