

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

December 12, 2012

MARLBOROUGH COZY CAFE, INC. DBA COZY CAFE
487A LINCOLN STREET
MARLBOROUGH, MA 01752
LICENSE#: 066200033
VIOLATION DATE: 08/24/2012
HEARD: 11/13/2012

After a hearing on November 13, 2012, the Commission finds Marlborough Cozy Cafe, Inc. dba Cozy Cafe in violation of 204 CMR 2.01 (8)-All applications shall be made under the penalties of perjury and any false statement contained in an application shall be a cause or ground for refusing to grant the license or permit or for suspending, canceling or revoking the license.

The Commission **suspends the licensee's license for a total of five (5) days to be served.** The suspension shall commence on **Wednesday, January 30, 2013 and terminate on Sunday, February 3, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 30, 2013 at 9:00 A.M. It will be returned to the licensee Monday, February 4, 2013.

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
Tara Kelleher, Investigator
Administration
File

1767 6694



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

DECISION

MARLBOROUGH COZY CAFE, INC. DBA COZY CAFE
487A LINCOLN STREET
MARLBOROUGH, MA 01752
LICENSE#: 066200033
VIOLATION DATE: 08/24/2012
HEARD: 11/13/2012

Marlborough Cozy Cafe, Inc. dba Cozy Cafe (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 13, 2012, regarding an alleged violation of 204 CMR 2.01 (8)-All applications shall be made under the penalties of perjury and any false statement contained in an application shall be a cause or ground for refusing to grant the license or permit or for suspending, canceling or revoking the license. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kelleher's Investigative Report.

The following documents and physical items are in evidence:

1. Investigator Kelleher's Investigative Report dated August 24, 2012; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. An anonymous complaint was filed with the Investigation and Enforcement Unit of the Commission regarding Marlborough Cozy Cafe, Inc. dba Cozy Café.
2. Investigator Kelleher conducted an administrative review of the licensee's application, dated March 9, 2000, for transfer of license, transfer of stock, change of manager, and new officer/director.
3. The applicant, Mr. Peter Coulombe, answered Form A, section 13, "Identify Your Criminal Record" in the negative, and signed the form under the pains and penalties of perjury.
4. The application included a submitted CORI and Licensee Personal Information Form A dated March 9, 2000.
5. The application for transfer was approved on May 1, 2000.
6. On Thursday, July 26, 2012, Investigators Bailey, Carey, and Kelleher conducted an investigation of the business operation of Marlborough Cozy Cafe, Inc. dba Cozy Cafe to address the filed complaint.
7. Investigators met with the manager of record, Mr. Peter Coulombe, and delivered in hand a demand for documentation, which Mr. Coulombe signed.

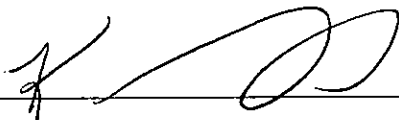
8. Mr. Coulombe stated to investigators that he had mistakenly answered the question regarding his criminal history incorrectly, due to his not understanding the question.
9. Mr. Coulombe also stated that in the past he has had his wife sign documents for him as he is a double amputee due to a previous illness.
10. Investigators advised Mr. Coulombe of the violation due to his perjury in regards to his criminal history.
11. Mr. Coulombe apologized, and provided on-site receipts for purchases made through licensed distributors.
12. Investigators inspected the bar area where all appeared in order.
13. Mr. Coulombe provided investigators with all the requested documentation in a timely manner.
14. When Mr. Coulombe appeared before the Commission at the hearing, he was cooperative and contrite. The Commission found his testimony sincere and credible.
15. An administrative review shows the licensee has held the license since 2000 and has had no previous violations.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.01 (8)-All applications shall be made under the penalties of perjury and any false statement contained in an application shall be a cause or ground for refusing to grant the license or permit or for suspending, canceling or revoking the license. Therefore, the Commission **suspends the license for fifteen (15) days of which five (5) days will be served and ten (10) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

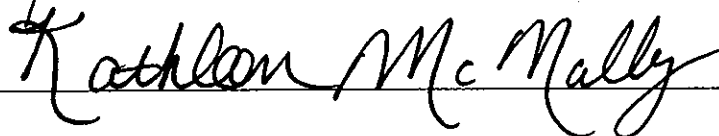
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



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

Kathleen McNally, Commissioner



DATE: December 12, 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