



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150-2358*

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**YANKEE SPIRITS INC. D/B/A YANKEE SPIRITS  
628 WASHINGTON STREET  
ATTLEBORO, MA 02703  
LICENSE#: 00047-PK-0050  
VIOLATION DATE: Various in October 2023  
HEARD: 6/11/2024**

Yankee Spirits Inc. d/b/a Yankee Spirits ("Licensee" or "Yankee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, June 11, 2024, regarding alleged violation of 204 CMR 2.04 (1) No holder of a license issued under M.G.L. c. 138, § 15 shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost. Cost is defined as net cost appearing on the invoice for said alcoholic beverages. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Special Investigator Gardner's Report.

The following documents are in evidence:

1. Investigative Report of R. Gardner;
2. Yankee Spirits' Yellow Dot Sale Advertising;
3. Ruby Wines Inc. Invoices, 10/3/2023, 10/10/2023, 10/24/2023, 10/31/2023;
4. List of Transactions, 10/2/2023 - 10/31/2023;
5. ABCC Form 43 License, Transfer of License Approval, 10/24/1995;
6. Licensee's Stipulation of Facts.

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

**FINDINGS OF FACT**

1. The ABCC Investigative and Enforcement Division received a complaint that the Licensee was selling Josh Pinot Grigio wine below invoiced cost.
2. On Thursday, November 9, 2023, Investigators Terasconi and Gardner ("Investigators") addressed the allegation with Ray Roy, General Manager, who explained that Yankee holds a *Yellow Dot Sale* each October wherein the Licensee offers a 20% discount on wines marked with a yellow dot.

3. Mr. Roy referred Investigators to Elizabeth LaClair to further address the specific allegations and for invoices and pricing information.
4. Ms. LaClair provided Investigators with invoices from Ruby Wines which listed the cost of one 750 ml bottle of Josh Pinot Grigio as \$11.67.
5. A review of sales records provided by Yankee indicated that the regular retail price of Josh Pinot Grigio is \$12.99, and the *Yellow Dot Sale* price is \$10.39.
6. Ms. LaClair confirmed that Yankee's documentation indicated sales made below cost occurred on 11 occasions in October 2023.
7. James Juliano, Officer of the Licensee entity and Megan Jones, stockholder and director of the Licensee entity appeared at the Commission hearing, along with Mr. Roy and Ms. LaClair. The Commission was informed this was product was added to the *Yellow Dot Sale* as a result of human error, and all other items included in the sale were offered and/or sold in compliance with the law.
8. The Licensee has held a license under M.G.L. c. 138, § 15 since 1995, nearly 30 years, with no prior violations.

#### CONCLUSION

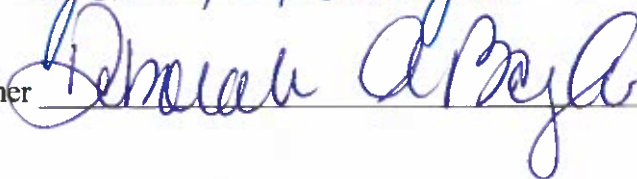
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.04 (1) No holder of a license issued under M.G.L. c. 138, § 15 shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost. Cost is defined as net cost appearing on the invoice for said alcoholic beverages. Therefore, the Commission issues a **WARNING**.

#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman



Deborah Baglio, Commissioner



Dated: February 25, 2025

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.

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Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.

这份文件是重要的，应立即进行翻译。

यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए

Dokiman sa a enpòtan epi li ta dwe tradwi touswit

‘Đây là tài liệu quan trọng và cần được dịch ngay’

ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2024-000033-ad-enf

cc: Local Licensing Board  
Katherine McCormick, Esq.  
Frederick G. Mahony, Chief Investigator  
Robert Gardner, Investigator  
Nicole Terasconi, Investigator  
Stephen V. Miller, Esq.  
Administration, File