



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

August 24, 2022

**LIGHTHOUSE WINE & SPIRITS LLC
D/B/A LIGHTHOUSE WINE & SPIRITS
144-149 BRIMBAL AVENUE
BEVERLY, MA 01915
LICENSE#: 89595-PK-0100
VIOLATION DATES: 1/16/2020 to 1/24/2020
HEARD: 3/24/2021**

After a hearing on March 24, 2021, the Commission finds Lighthouse Wine & Spirits LLC d/b/a Lighthouse Wine & Spirits violated:

- 1) M.G.L. Ch. 138, § 2 Unlawful Sale: No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this chapter, to wit: M.G.L. Ch. 138, § 15 Unlawful Sale;
- 2) M.G.L. c. 138, § 18 – Acting as a wholesaler of alcoholic beverages without being properly licensed.

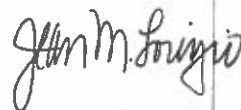
The Commission **suspends the license for a period of five (5) days to be served.**

The suspension shall commence on Monday, October 17, 2022, and terminate on Friday, October 21, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, October 17, 2022, at 9:00 A.M. It will be returned to the licensee on Saturday, October 22, 2022.

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 which must be signed by the Licensee and 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



Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Caroline Guarino-Wilichoski, Investigator
Tim Hooton, Investigator
William A. Kelley, Esq.
Administration, File



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DECISION

**LIGHTHOUSE WINE & SPIRITS LLC
D/B/A LIGHTHOUSE WINE & SPIRITS
144-149 BRIMBAL AVENUE
BEVERLY, MA 01915
LICENSE#: 89595-PK-0100
VIOLATION DATES: 1/16/2020 to 1/24/2020
HEARD: 3/24/2021**

Lighthouse Wine & Spirits LLC d/b/a Lighthouse Wine & Spirits ("Licensee" or "Lighthouse") 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 Wednesday, March 24, 2021, regarding alleged violations of:

- 3) M.G.L. Ch. 138, § 2 Unlawful Sale: No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this chapter, to wit: M.G.L. Ch. 138, § 18 Unlawful Export;
- 4) M.G.L. Ch. 138, § 2 Unlawful Sale: No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this chapter, to wit: M.G.L. Ch. 138, § 15 Unlawful Sale;
- 5) M.G.L. c. 138, § 18 – Acting as a wholesaler of alcoholic beverages without being properly licensed.

Prior to the commencement of the hearing the Investigative Unit agreed to withdraw the alleged violation of M.G.L. c. 138, § 2, to wit: c. 138, § 18 Unlawful Export.

The Licensee stipulated to the facts alleged in Investigator Guarino-Wilichoski's Report and to the violations of the remaining two charges.

The following documents are in evidence:

1. Investigator Guarino-Wilichoski's Investigative Report;

2. ABCC Licensing Authority Certification, New License Approved, 6/26/2019;
3. Licensee's Receipts, Order Documentation, Shipping Labels & Delivery Documents;
4. Suffolk Superior Court Memorandum of Decision and Order, #98-0819-E, World Beer Direct Inc. v. ABCC, 8/25/1999;
5. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On January 11, 2020, the ABCC Investigations and Enforcement Division received information that Lynnway Liquor Mart Inc. d/b/a Lynnway Liquors ("Lynnway Liquors") was making deliveries of alcoholic beverages to consumers outside of the Commonwealth of Massachusetts
2. Lynnway Liquor Mart Inc. d/b/a Lynnway Liquors holds a M.G.L. c. 138, § 15 retail all alcohol package store license exercised at 702 Lynnway, Lynn, Massachusetts. The officers and directors are:
 - Clifford Ansara - President, Director, and Manager of Record with 49% ownership;
 - Margaret Ansara – Secretary and Director with 49% ownership; and
 - Margaret Fazio-Ansara – Treasurer and Director, with 2% ownership.
3. Lighthouse Wine and Spirits LLC d/b/a Lighthouse Wine & Spirits ("Lighthouse") holds an M.G.L. c. 138, § 15 retail all alcohol package store license approved by this Commission June 26, 2019, and exercised at 144-149 Brimbal Avenue, Beverly, Massachusetts. Clifford Ansara has 100% ownership, is the sole officer and director, the LLC manager, and the Manager of Record.
4. On Wednesday, January 29, 2020, at approximately 11:15 a.m., Investigators Hooton and Guarino-Wilichoski ("Investigators") inspected the business operation of Lynnway Liquors to determine the manner in which its business was being conducted and to investigate the complaint filed with this Commission.
5. Investigators identified themselves to Jim Robus, the manager on duty, and Tiffany Macomber, the clerk on duty. Investigators advised the employees of the complaint and asked them to describe the business operation relative to the exportation of alcoholic beverages from the Commonwealth. Robus and Macomber admitted to selling and shipping alcoholic beverages to consumers located outside Massachusetts.
6. As Investigators conducted their investigation into the business operations of Lynnway Liquors, they found documents which indicated Lighthouse was also selling and shipping alcoholic beverages to consumers outside of Massachusetts.
7. Macomber stated that Lighthouse has a website, lighthousewines.com, where consumers can open an account to order alcoholic beverages, make payment online, and have the alcoholic beverages delivered to them.

8. The Lighthouse website indicates Lighthouse will deliver alcoholic beverages to consumers in any state, excluding South Dakota. Shipment is via United Parcel Service ("UPS"); however, the licensee provided Investigators with many receipts for shipments made using Federal Express ("FedEx").
9. Macomber provided Investigators with numerous documents which confirmed Lighthouse had sold and shipped alcoholic beverages to consumers outside of Massachusetts between January 16, 2020, and January 24, 2020.
10. Investigator Guarino-Wilichoski spoke to Clifford Ansara via telephone and Mr. Ansara admitted to selling and shipping alcoholic beverages to consumers outside of Massachusetts. Investigators advised him of the violations and that a report would be filed with the Chief Investigator for further review.
11. The Licensee has held a license under M.G.L. c. 138, § 12 since 2019 with no prior violations.

CONCLUSION

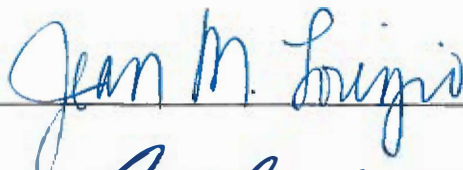
Based on the evidence, the Commission finds the Licensee violated:

- 1) M.G.L. Ch. 138, § 2 Unlawful Sale: No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this chapter, to wit: M.G.L. Ch. 138, § 15 Unlawful Sale;
- 2) M.G.L. c. 138, § 18 – Acting as a wholesaler of alcoholic beverages without being properly licensed.

Therefore, the Commission suspends the license for a period of 5 days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: August 24, 2022

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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2020-024047-ad-enf

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