



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**ENA LIQUORS INC. D/B/A BROTHERS SUPER LIQUORS
213 BOWDOIN STREET, BOSTON, MA 02122
LICENSE#: 00904-PK-0116**

**BROTHER'S SUPER LIQUORS INC.
740-742 BLUE HILL AVENUE, BOSTON, MA 02121
LICENSE#: 00902-PK-0116**

**VIOLATION DATE: 2/09/2024
HEARD: 6/18/2024**

Ena Liquors Inc. d/b/a Brothers Super Liquors (the "Licensee" or "Brothers Super Liquors") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. Brother's Super Liquors Inc. (the "Licensee" or "Brother's Super Liquors") 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 18, 2024, regarding alleged violations of:

- 1) M.G.L. Ch. 138, § 18 Acting as a § 18 wholesale licensee without being properly licensed.
Date of Alleged Violation: Friday, February 9, 2024 @1:20 pm (Ena Liquors Inc.)
- 2) M.G.L. c. 138, § 23 Unlawful purchase of any alcoholic beverages by a holder of a § 15 license from other than a license holder under §§ 18, 19, 19B, 19C or from a holder of a special permit to sell issued under § 22A. Date of Alleged Violation: Friday, February 9, 2024 @2:05 p.m. (Brothers Super Liquors Inc.)

Prior to the commencement of the hearing, the Licensees stipulated to the facts alleged in Investigator Teehan's Reports.

On June 3, 2024, Attorney Jennifer Allen, counsel for the Licensees, submitted a written request to consolidate the hearings regarding the two licensees. The Investigative and Enforcement Division agreed to said consolidation. The Commission allowed the request.

The following documents are in evidence:

1. Investigative Report of M. Teehan re: Ena Liquors Inc. d/b/a Brothers Super Liquors;
2. Investigative Report of M. Teehan re: Brother's Super Liquors, Inc.;
3. ABCC Updated Advisory Regarding Consolidated Buying, 8/4/2017;
4. Photograph of Alcoholic Beverages being Transported;
5. Horizon Beverage Co. Invoice addressed to Ena Liquors Inc. for Heineken beer, et al;
6. ABCC Form 43 for Ena Liquors Inc., Transfer of License Approval, 4/16/2013;
7. ABCC Form 43 for Brother's Super Liquors, Inc., Transfer of License Approval, 1/27/2004;
8. Licensees' Stipulations of Facts.

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

FINDINGS OF FACT

1. On Friday, February 9, 2024, Investigators Keefe and Teehan ("Investigators") visited two § 15 retail package store locations in the City of Boston to observe how businesses were being conducted.
2. Ena Liquors Inc. d/b/a Brothers Super Liquors ("Ena Liquors") holds a M.G.L. c. 138, § 15 retail package store license exercised at 213 Bowdoin Street, Boston, Massachusetts. Eduardo Fernandez is the sole officer, director and 100% owner of Ena Liquors Inc.
3. While at Ena Liquors at 213 Bowdoin Street, at approximately 1:20 p.m., Investigators observed two male individuals moving several cases of Heineken beer and boxes of alcoholic beverages from the side door of Ena Liquors' licensed premises and placing said alcoholic beverages into a white Landcruiser sports utility vehicle.
4. Investigators followed the vehicle to Brothers Super Liquors, Inc. located at 740-742 Blue Hill Avenue, Boston, Massachusetts.
5. Brothers Super Liquors, Inc. ("Brothers Super Liquors, Inc.") holds a M.G.L. c. 138, § 15 retail package store license exercised at 740-742 Blue Hill Avenue, Boston, Massachusetts. Eduardo Fernandez is the sole officer, director and 50% owner of Brothers Super Liquors Inc. Nelson Fernandez is 50% shareholder and the manager of record.
6. At Brother's Super Liquors, Inc., at approximately 2:10 p.m., Investigators observed the two male individuals unload the alcoholic beverages from the vehicle, place them on a dolly, and bring them into the store.
7. Investigators entered the licensed premises of Brothers Super Liquors, Inc. and spoke with Nelson Fernandez. Nelson stated that he had purchased the alcoholic beverages from the other store and transported them to this location.
8. Investigators advised Nelson of the violations and that a report would be submitted to the Chief Investigator for further review.

9. Nelson Fernandez and Eduardo Fernandez appeared at the Commission hearing.
10. Ena Liquors, Inc. has held a license since 2013 without any prior violations.
11. Brother's Super Liquors, Inc. has held a license since 2004 without any prior violations.

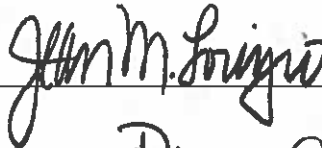
CONCLUSION

Based on the evidence, the Commission finds Ena Liquors Inc. d/b/a Brothers Super Liquors violated M.G.L. Ch. 138, § 18 Acting as a § 18 wholesale licensee without being properly licensed. Therefore, the Commission **SUSPENDS the license of Ena Liquors Inc. for a period of three (3) days which will be held in abeyance for a period of two (2) years provided that no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

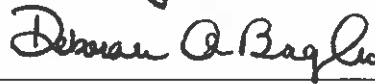
Based on the evidence, the Commission finds Brother's Super Liquors Inc. violated M.G.L. Ch. 138, § 23 Unlawful Purchase: No license issued under §§ 12, 14, or 15 and no certificate of fitness under § 30 shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under §§ 18, 19, or 19F or 19C or from a holder of a special permit to sell issued under § 22A. Therefore, the **SUSPENDS the license of Brother's Super Liquors Inc. for a period of three (3) days which will be held in abeyance for a period of two (2) years provided that no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Dated: January 3, 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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto
immediatamente.

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។

2023-000060-ad-enf

2023-000061-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
Dennis Keefe, Investigator
Jennifer Allen, Esq.
Administration, File