



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

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

**DECISION**

**HEMISPHERES LLC  
140 AKER DRIVE  
COBLESKILL, NY 12043  
LICENSE#: COC-LIC-029397.  
VIOLATION DATE: Various from 4/4/2019 to 7/3/2019  
HEARD: 9/23/2021**

Hemispheres LLC (“Hemispheres” or the “Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, §§ 18B. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Thursday, September 23, 2021, regarding alleged violations of:

- 1) M.G.L. Ch. 138 § 2 No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, or import or export alcoholic beverages or alcohol, except as authorized by this chapter;
- 2) M.G.L. Ch. 138, § 18 In order to ensure the necessary control of traffic in alcoholic beverages for the preservation of the public peace and order, the shipment of such beverages into the Commonwealth, except as provided in this section and section 19F, is hereby prohibited.<sup>1</sup>

Prior to the commencement of the hearing, the Licensee signed a Stipulation of Facts as to the two charges listed above, against COC-LIC-029397 as alleged in Investigator Temple’s Report.

The following documents are in evidence:

1. Investigator Temple’s Report;
2. OSJL Spirits, LLC’s (“Ocean”) Massachusetts Secretary of the Commonwealth’s filing and ABCC (Accela) license printout;

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<sup>1</sup> Prior to the commencement of the hearing, the Commission was informed the Enforcement Division would not be moving forward with charges initially brought against Hemispheres’ § 19F direct wine shipper license no. DS-LIC-001507. In addition, as to the Licensee’s §18B Certificate of Compliance license no. COC-LIC-029397, the Enforcement Division withdrew the charge of a violation of M.G.L. Ch. 138 § 2, to wit: M.G.L. Ch. 138, § 18.

3. Drinks Licensing LLC's ("Drinks") 19F Application and License;
4. Drink Licensing LLC's filing with Secretary of State, California;
5. Hemispheres' ABCC (Accela) License Printout and Certificate of Compliance File Documents;
6. Drinks Holdings, Inc. Secretary of State California Filing;
7. Specialty Marketing Group, Inc. Beneficial Interest Report;
8. Bullpen Distribution Inc's Secretary of State California Filing;
9. 3SIX5 Logistics LLC's Secretary of State Illinois Filing;
10. Photos of Ocean (Falmouth) Alcoholic Beverages Kept, Displayed and Stored for Sale;
11. Photo of Bill of Lading Found at Ocean (Falmouth);
12. Photo of Purchase Order Found at Ocean;
13. Documents Provided by Specialty;
14. Documents Provided by Specialty;
15. Documents Provided by Specialty;
16. Documents Provided by Ocean;
17. Documents Provided by Ocean;
18. Documents Provided by Ocean;
19. Documents Provided by Ocean;
20. Documents Provided by Ocean;
21. Documents Provided by Ocean;
22. ABCC Enforcement Demand for Documents;
23. Response to ABCC Demand for Documents;
24. ABCC Enforcement Division Demand for Further Documents;
25. Response to Second Demand;
26. Licensee's Stipulation of Facts.

A. Licensee Hemispheres, LLC's Hearing Memorandum.

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

#### FINDINGS OF FACT

1. Drinks Licensing LLC ("Drinks Licensing") was organized in Delaware on September 9, 2014, with Zac Brandenburg as LLC Manager. The California Secretary of State's website indicates that as of October 3, 2016, Bernice Z. Kleine is LLC manager. Ms. Kleine is Mr. Brandenburg's mother. (Testimony, Exhibit 4)
2. Drinks Licensing LLC changed its corporate name to Hemispheres LLC in March of 2017.  
Id.

3. Hemispheres LLC (“Hemispheres”) located at 140 Aker Driver, Cobleskill, NY holds a Certificate of Compliance license issued pursuant to Ch. 138, § 18B on November 8, 2018. (Testimony, Exhibit 5)
4. Drinks Holdings, Inc. (“Drinks”) is a California corporation organized on January 19, 2017, with Zac Brandenburg listed as CEO. (Testimony, Exhibit 6)
5. Specialty Marketing Group Inc. (“Specialty”) is a Massachusetts corporation organized on January 11, 2007. Anthony Yebba is President and Director, and Nicholas Yebba is Treasurer, Secretary, and Director. Specialty holds a wholesaler’s license issued pursuant to M.G.L. Ch. 138, § 18 on May 30, 2007. (Testimony, Exhibit 7)
6. Bullpen Distribution Inc. (“Bullpen”) is a California corporation registered in California on April 12, 2011, with Jon Brill as Officer and Director, and Michael Brill as Director. Bullpen’s principal place of business is 2443 Fillmore Avenue, San Francisco, California. (Testimony, Exhibit 8)
7. 3Six5 Logistics LLC (“3Six5”) is an Illinois corporation. (Testimony, Exhibit 9)
8. OSJL Spirits LLC d/b/a Ocean State Job Lot (“Ocean” or “OSJL”) was organized and incorporated in Massachusetts on July 1, 2013. Ocean currently holds seven Ch. 138, § 15 retail package store licenses in the Commonwealth of Massachusetts. (Testimony, Exhibit 2)
9. On Thursday, July 25, 2019, ABCC Investigators investigated the business operations of several Ocean State Job Lot’s § 15 retail package store locations. (Testimony, Exhibit 1)
10. On Thursday, July 25, 2019, Investigators Velez and Temple (“Investigators”) entered the Ocean premises located at 50 Teaticket Highway, Falmouth and observed several boxes of EORA wine displayed for sale, at a cost of \$2.50 per bottle. Investigators also observed several pallets of EORA wine in the storage area of the licensed premises. Id.
11. Investigators interviewed the manager and requested documentation regarding the delivery and sale of alcoholic beverages, specifically the EORA wine, received within the previous month. Id.
12. The manager provided Investigators with a Bill of Lading for the EORA wine, which indicated the wine was delivered to Ocean on June 28, 2019, by 3Six5. The customer listed on the Bill of Lading was Hemispheres LLC, 1125 E. Broadway, Glendale, California. (Testimony, Exhibits 1, 11)
13. The first stop or pick-up location identified on the Bill of Landing was 140 Aker Drive, Cobleskill, New York. The Cobleskill location is the address on record for Hemisphere’s § 18B Certificate of Compliance. Id.
14. The second stop or first delivery location listed on the Bill of Lading was Specialty Marketing Group, Inc., a licensed Massachusetts wholesaler. The third, fourth, and fifth stops were Ocean locations in Medford, Fairhaven, and East Falmouth. Id.

15. Investigators observed Specialty was the only location listed on the Bill of Lading that did not have any contact information or a date and time of pick up. In addition, there were handwritten markings next to each Ocean stop. There were not any handwritten markings next to Specialty. Id.
16. Investigators examined a second document which was attached to the Bill of Lading, a purchase order for the EORA wine. The purchase order listed Specialty as the vendor and identified Jon Brill as its sales representative. Mr. Brill's contact information was listed. (Testimony, Exhibits 1, 11, 12)
17. On multiple occasions, Investigators met with Specialty's owner, Nicholas Yebba who stated that he, Anthony Yebba, and Colleen Sheehan are the only people involved in Specialty. (Testimony, Exhibit 1)
18. Mr. Yebba informed Investigators that he had no knowledge of, and Specialty had no association with Jon Brill or Bullpen Food. Id.
19. The Investigators requested Mr. Yebba provide details of the development of the EORA wine transaction, along with the logistical details of the delivery and accounting procedures. Nicholas Yebba stated that he was contacted by Kelly Martin, who worked for Drinks or Hemispheres. Nicholas Yebba stated Ms. Martin informed him that Hemispheres had wine in New York, and they already had a buyer in Massachusetts. Nicholas Yebba stated he was advised by Ms. Martin that depending on what he would charge for being the listed Massachusetts wholesaler, they would determine if it was cheaper to sell the wine to their buyer or destroy the wine. Id.
20. Mr. Yebba informed Ms. Martin he would charge \$1.50 and 55¢ per gallon for taxes and Ms. Martin agreed to this price. Id.
21. Nicholas Yebba informed Investigators all other aspects of the EORA wine transaction were arranged by Ms. Martin. He stated he never spoke with any transportation companies relative to the delivery of the EORA wine and that Ms. Martin told him she would take care of the delivery logistics and would register the wine to him. Mr. Yebba further told Investigators that he never communicated with Ocean regarding the EORA wine transaction. Id.
22. Investigators asked Mr. Yebba about the purchase orders he received from Ocean. He stated that Martin was already in possession of the purchase orders and that she was the individual that forwarded the purchase orders to him. Id.
23. Investigators asked Nicholas Yebba if the EORA wine delivered to Ocean came to rest at his § 18 facility. Mr. Yebba stated that Ms. Martin arranged for the wine to be delivered to Ocean. Mr. Yebba clarified and confirmed the EORA wine never entered his facility. Id.
24. Mr. Yebba told Investigators that when Ms. Martin became aware the EORA wines transaction was under investigation by the ABCC, Ms. Martin advised him not to worry because they would hire the best attorneys for him. Mr. Yebba told Ms. Martin not to contact him again. Id.