



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**UNION WHARF HOLDINGS LLC. D/B/A SAL'S
99 COMMERCIAL STREET
PROVINCETOWN, MA 02657
LICENSE#: 00012-RS-1004
VIOLATION DATE: 2/11/2021
HEARD: 11/16/2021**

Union Wharf Holdings LLC. d/b/a Sal's (the "Licensee") holds a seasonal alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a remote hearing via Microsoft Teams on Tuesday, November 16, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 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 Licensee stipulated to the facts alleged in Investigator Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Report;
2. ABCC Form 43, License Transfer Approval, 2/24/2016;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, February 11, 2021, at approximately 7:30 p.m., Investigators Kenny and Binienda ("Investigators") conducted an inspection of the business operation of Gusto Inc. d/b/a Enzo's at 186 Commercial Street in Provincetown to determine the manner in which its business was being conducted, and to investigate a complaint filed with this Commission.
2. Investigators entered Enzo's and identified themselves to the hostess, Siobhan Carew, and advised her of the complaint.
3. Investigators conducted an inspection of the liquor storage area at Enzo's and observed approximately 15 boxes of wine, with 12 bottles in each box. Investigators observed that several of the boxes had stickers which said, Sal's Place Provincetown.

4. Union Wharf Holdings LLC d/b/a Sal's Place holds a seasonal retail on-premises all-alcohol license issued pursuant to M.G.L. c. 138, § 12, exercised at 99 Commercial Street, Provincetown. Ms. Carew is the owner and licensed manager of record of Sal's Place.
5. Ms. Carew informed Investigators that she had moved the boxes of alcoholic beverages from Sal's Place to Enzo's.
6. Investigator Binienda testified Ms. Carew informed him she was operating as a "pop-up" at Enzo's. Investigator Binienda acknowledged Ms. Carew seemed confused about the propriety of such an arrangement.
7. Investigator Binienda gave Ms. Carew his business card and asked her to email to him copies of the invoices for the alcoholic beverages moved from Sal's Place to Enzo's. Ms. Carew stated she would have her daughter, who keeps track of the invoices, do this. As of March 29th, Investigator Binienda had not received any invoices.
8. Investigators informed Ms. Carew of the violation and that a report would be filed with the Chief Investigator for further action.
9. Ms. Carew appeared at the Commission hearing with her daughter, Michela Murphy, who works as a manager at Sal's Place. The Commission was informed Ms. Carew was operating at the Enzo's location 7 days per week during the off-season and in the midst of Covid and was well received by the residents. Ms. Carew is now fully aware such an arrangement is not allowed.
10. The Licensee has held a license under M.G.L. c. 138, § 12 since 2016 with no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, §18 – Acting as a wholesaler of alcoholic beverages without being properly licensed. As the Licensee has been in business for more than 5 years with no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner Deborah A. Baglio

Crystal Matthews, Commissioner Cystal Matthews

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

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: June 3, 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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Jamie Binienda, Investigator
Mark Kenny, Investigator
Stephen V. Miller, Esq.
Administration, File