



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**WINE EXPEDITE LLC
71800 HIGHWAY 111, SUITE 125
RANCHO MIRAGE, CALIFORNIA 92270
LICENSE #: DS-LIC-001617
VIOLATION DATE: APRIL 28, 2020 – MAY 30, 2020
HEARD: 3/29/2022**

Wine Expedite LLC (the "Licensee") holds a Direct Wine Shipper license issued pursuant to M.G.L. c. 138, § 19F. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, March 29, 2022, regarding an alleged violation of M.G.L. Ch. 138, § 23 Transfer of the privilege of a license without proper approval¹ which occurred April 28, 2020, to May 30, 2020, according to Investigator Bolcome's report.

The following documents are in evidence:

1. Copy of Wine Expedite's § 19F License Commission file;
2. Saraceni Website and Investigative Order Screen Shots;
3. Saraceni Confirmation Emails;
4. Credit Card Statement;
5. Photographs re: Alcoholic Beverages' Shipment;
6. Investigator Bolcome's Report.

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

¹ At the commencement of the hearing the ABCC Investigation and Enforcement Division withdrew a charge of a violation of M.G.L. Ch. 138, § 19F, which had been cited in the hearing notice.

FINDINGS OF FACT

1. Wine Expedite LLC ("Licensee" or "Wine Expedite") holds a M.G.L. Ch. 138, § 19F Direct Wine Shipper license exercised at 71800 Highway 111, Rancho Mirage, California. The Licensee has a business address in New York. (Testimony, Exhibits 1, 6)
2. Loma Brands SRL d/b/a Saraceni ("Saraceni") is an Italian winery located at Via Gherardo Silvani 126, 50125 Firenze FI, Italy. Saraceni is not licensed by the Massachusetts Alcoholic Beverages Control Commission. (Testimony, Exhibit 6)
3. On Tuesday, April 28, 2020, Investigator Bolcome ("Investigator"), visited Saraceni's website, saraceni.com, and placed an order for three bottles of wine to be delivered to an address in Beverly, Massachusetts. Investigator Bolcome utilized a credit card to make the purchase and received a confirmation of his order via email from info@fratellisaraceni.com. On his credit card statement, the vendor for the wine purchase was listed as Saraceni Wines Firenze. (Testimony, Exhibits 3, 4, 6)
4. Investigator Bolcome received a package containing the three bottles of wine on Saturday, May 30, 2020. Investigator Bolcome observed the packing slip indicated the shipment was made via United Parcel Service ("UPS") from Wine Expedite LLC located at 464 West 44th Street, New York, New York. (Testimony, Exhibit 5)
5. The wines' labels stated "Prodotto in Italia" and "Imbottigliato per Loma Brands SRL" which translates to "Produced in Italy, bottled by Loma Brands SRL." *Id.*
6. Investigator Bolcome determined Wine Expedite unlawfully transferred the privilege and use of its § 19F license to Saraceni in order for Saraceni to make a sale of the wine to him. Investigator Bolcome informed Wine Expedite of the violation and that a report would be filed with the Chief Investigator for review. (Testimony, Exhibit 6)

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Commission, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses to sell alcoholic beverages is set out in M.G.L. c. 138. Section 23 of c. 138 provides, in pertinent part: "Any license under this chapter held by an individual, partnership, or corporation may be transferred to any individual, partnership or corporation qualified to receive such a license in the first instance, if, in the opinion of the licensing authorities, such transfer is in the public interest."

Implicit in the transfer of a license is the surrender of control. A "transfer of a business takes place when the person introduced to it runs the business for his own account." Griffin's Brant Rock Package Store, Inc. v. Alcoholic Beverages Control Commission, 12 Mass. App. Ct. 768, 771, 429 N.E.2d 62, 65 (1981). The Commission is instructed by the cases of Cleary v. Cardullo's, Inc., 347 Mass. 337, 346-350, 198 N.E.2d 281 (1964) and Number Three Lounge, Inc. v. Alcoholic Beverages Control Commission, 7 Mass. App. Ct. 301, 304-308, 387 N.E.2d 181 (1979). As characterized by the Appeals Court in the Griffin's Brant Rock case, "[i]n Cleary, the purported

principal contributed no financial resources and was wholly dependent on his father and corporations controlled by his father.” Griffin’s Brant Rock Package Store, Inc., 12 Mass. App. Ct. at 773, 429 N.E.2d at 65, and “[i]n Number Three Lounge, there was evidence that a son-in-law of a person who had been refused a license was substituted as an applicant, but the substitution lacked all economic substance. Griffin’s Brant Rock Package Store, Inc., 12 Mass.App.Ct. at 773-774, 429 N.E.2d at 66.

The Investigative and Enforcement Division argued the facts here are similar to those in Number Three Lounge, Inc., 7 Mass. App. Ct. 301, acknowledging the matters involve different license types. As the Appeals Court held in Number Three Lounge, “[t]he concept of an ownership interest can vary from an absolute proprietary interest to a mere possessory right. But the concept can also have other meanings between these two poles.” Id. at 310.

The Licensee argued there is no evidence of the Licensee relinquishing control. The Commission disagrees. Here, an Italian entity unlicensed in the Commonwealth, accepted an order and payment for alcoholic beverages which were then shipped directly to a consumer by Wine Expedite. (Exhibits 3, 4) The Licensee itself acknowledged in its argument that there is no evidence Wine Expedite received payment for said order, rather only evidence that Saraceni was paid for the wine. Id.

While the Licensee correctly points out that Investigators presented no evidence Saraceni had any control over the Licensee’s personnel, no control over bank accounts, did not contribute to bills or payments made by the Licensee, and had no control over the day to day operation of the Licensee’s business, the fact remains that Wine Expedite shipped directly to a Massachusetts consumer three bottles of Saraceni’s wine for which it received no payment.

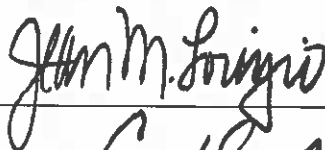
Saraceni was not eligible for a § 19F license. Through the use of Wine Expedite’s license, Sarceni effectuated the delivery of alcoholic beverages directly to a consumer.

CONCLUSION

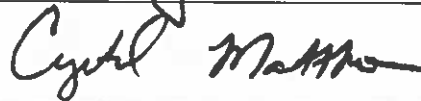
Based on the evidence, the Commission finds Wine Expedite violated M.G.L. Ch. 138, § 23. As a result, the Commission suspends the license for a period of 45 days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: July 31, 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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2022-000037-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., General Counsel
David Bolcome, Investigator
Michael P. Ross, Esq.
Administration, File



*Commonwealth of Massachusetts
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NOTICE OF SUSPENSION

July 31, 2025

**WINE EXPEDITE LLC
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RANCHO MIRAGE, CALIFORNIA 92270
LICENSE #: DS-LIC-001617
VIOLATION DATE: APRIL 28, 2020 – MAY 30, 2020
HEARD: 3/29/2022**

After a hearing on March 29, 2022, the Commission finds Wine Expedite LLC violated M.G.L. Ch. 138, § 23 Transfer of the privilege of a license without proper approval.

The Commission suspends the license for a period of 45 days to be served.

The suspension shall commence on Monday, September 22, 2025, and terminate on Wednesday, November 5, 2025. The license will be delivered to the Alcoholic Beverages Control Commission or its designee on Monday, September 29, 2025, at 9:00 A.M. It will be returned to the Licensee on Thursday, November 13, 2025.

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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