



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**CHRISTOPHER SARAIVA
BRANDS OF PORTUGAL, INC.
310 BOURNE AVENUE, BLDG. #22-3
RUMFORD, RI 02916
LICENSE#: CC-LIC-031090 & SP-LIC-010401
VIOLATION DATE: Various dates in 2022
HEARD: 12/12/2023**

Brands of Portugal Inc. ("Licensee") holds Certificate of Compliance issued pursuant to M.G.L. c. 138, § 18B. Christopher Saraiva ("Licensee") holds a Salesman Permit issued pursuant to M.G.L. c. 138, § 18A.

The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, December 12, 2023, regarding alleged violations of:

- 1) M.G.L. Ch. 138, §18A Unlawful Solicitation: The Commission may issue ... a license which shall authorize the licensee to act as agent, broker, or solicitor for any specified individual, corporation, or partnership in another state or foreign country engaged in the business of manufacturing, importing, or selling alcoholic beverages, hereinafter called the principal, and on behalf of such principal, to solicit orders for such beverages from holders of licenses under section 18 only. Whoever acts as aforesaid as such agent, broker or solicitor without being licensed so to do hereunder, or whoever being so licensed violates any provision of this section or of any condition or stipulation in his license, shall be subject to the penalties prescribed by section 2.
- 2) M.G.L. Ch. 138, §19A Unlawful Solicitation: The Commission may actually grant to individual citizens of the Commonwealth employed as salesmen for licensees under section 18, 18A, 19B, 19C or 19D and to any individual employed as a salesman for a licensee under section 18 who is also an officer, salesmen, on behalf of their employers to solicit orders for alcoholic beverages from any licensee under this chapter to whom their employers are authorized to sell such beverages.

Prior to the commencement of the hearing, the Licensee stipulated to the facts in Investigator Fleming's report.

The following documents are in evidence:

1. Investigator Fleming's Report;
2. Brands of Portugal's ABCC Certificates of Compliance for 2022 and 2023;
3. Christopher Saraiva's ABCC Transportation Permits for 2022 and 2023;
4. Christopher Saraiva's ABCC Salesman Permits for 2022 and 2023;
5. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. Brands of Portugal, Inc. is a Rhode Island wholesaler holding a Certificate of Compliance issued pursuant to M.G.L. c. 138, § 18B and exercised at 310 Bourne Avenue, Building #22-3, Rumford, Rhode Island. Christopher Saraiva is president, secretary, director, and sole shareholder of Brands of Portugal. The Licensee has held a Certificate of Compliance since 2022.
2. Mr. Saraiva held a Salesman Permit issued pursuant to M.G.L. c. 138, § 18A and a Transportation Permit issued pursuant to M.G.L. c. 138, § 22. The Salesman Permit indicated the related wholesaler was Icon Imports, LLC.
3. Icon Imports, LLC ("Icon") is a Massachusetts wholesaler licensed pursuant to M.G.L. c. 138, § 18. John Fox is the owner of Icon Imports, LLC.
4. On Sunday, October 23, 2022, the ABCC Enforcement Division received a complaint regarding the business practices of Brands of Portugal, Christopher Saraiva, and Icon Imports.
5. On November 2, 2022, Investigators Velez and Fleming ("Investigators") interviewed Christopher Saraiva and John Fox at Icon Imports in Wrentham.
6. Icon has employed Mr. Saraiva since September 8, 2022. Mr. Fox provided to Investigators Mr. Saraiva's employee and payment records.
7. Under his Icon salesman permit, Mr. Saraiva solicited orders from retail license holders. However, Icon sales records confirm that the only products Mr. Saraiva sold to retail licensees were those of Brands of Portugal.
8. Mr. Saraiva appeared at the Commission hearing and apologized. He testified that Brands of Portugal is a small business run by himself and his wife. He stated that he believed his business practices were within the law and never would have applied for a salesman permit in the first place if he had realized the potential issues. Mr. Saraiva testified he did not intend to renew his salesman permit once it expires. In addition, in order to start with a clean slate, Brands of Portugal has changed distributors in Massachusetts.

CONCLUSION

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

- 1) M.G.L. Ch. 138, §18A Unlawful Solicitation: The Commission may issue ... a license which shall authorize the licensee to act as agent, broker, or solicitor for any specified individual, corporation, or partnership in another state or foreign country engaged in the business of manufacturing, importing, or selling alcoholic beverages, hereinafter called the principal, and on behalf of such principal, to solicit orders for such beverages from holders of licenses under section 18 only. Whoever acts as aforesaid as such agent, broker or solicitor without being licensed so to do hereunder, or whoever being so licensed violates any provision of this section or of any condition or stipulation in his license, shall be subject to the penalties prescribed by section 2.
- 2) M.G.L. Ch. 138, §19A Unlawful Solicitation: The Commission may actually grant to individual citizens of the Commonwealth employed as salesmen for licensees under section 18, 18A, 19B, 19C or 19D and to any individual employed as a salesman for a licensee under section 18 who is also an officer, salesmen, on behalf of their employers to solicit orders for alcoholic beverages from any licensee under this chapter to whom their employers are authorized to sell such beverages.

As a result, the Commission **issues a WARNING.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

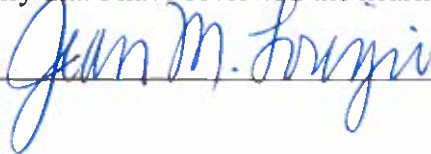


Deborah Baglio, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman



Dated: July 24, 2024

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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2023-000028-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Sean Fleming, Investigator
Nicholas Velez, Investigator
Administration, File