

STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Greenwich Imports
Jeb B. Fiorita, Shipper Permittee
Greenwich Imports LLC, Backer
Liquor Permit # LIW.522
Docket No. 11-473

Case No. 2011-496
June 23, 2011

MEMORANDUM OF DECISION

This matter involves a request by Bargetto's Santa Cruz Winery for the termination of Greenwich Imports as distributor in the State of Connecticut of Chaucer's Cellars Mead (LBD.62869). Bargetto's Santa Cruz Winery (hereinafter "Bargetto's") is the holder of out-of-state winery liquor permit LSW.114, and Greenwich Imports is the holder of wholesaler liquor permit LIW.522. A formal administrative hearing was held on June 23, 2011. Proper notice of the hearing was provided to the parties, however, the parties failed to appear at the hearing.

The hearing was held in accordance with Section 30-17(a)(2)(B) of the Connecticut General Statutes. Section 30-17(a)(2)(B) of the Connecticut General Statutes provides the method by which termination or diminishment of a distributorship may occur. The statute provides, *inter alia*,

No such termination or diminishment shall become effective except for just and sufficient cause, provided such cause shall be set forth in such notice and the Department of Consumer Protection shall determine, after hearing, that just and sufficient cause exists...For the purposes of this section, "just and sufficient cause" means the existence of circumstances which, in the opinion of a reasonable person considering all of

the equities of both the wholesaler and the manufacturer or out-of-state shipper warrants a termination or a diminishment of a distributorship as the case may be.

The following facts are found based upon the evidence adduced at the hearing. On May 19, 2011, the department received a copy of a letter from Bargetto addressed to Greenwich Imports requesting release from their distributor agreement. Greenwich Imports had not purchased Bargetto's wines, contacted Bargetto or made any effort to sell or to actively promote Bargetto's wines in Connecticut for three years. Bargetto had attempted to contact Greenwich Imports by phone, fax and email without response. By letter dated June 20, 2011, to the Department of Consumer Protection, Greenwich Imports has since agreed to release Bargetto's Santa Cruz Winery's brands. Therefore, based upon the foregoing, Bargetto's Santa Cruz Winery's request to terminate Greenwich Imports is hereby granted.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY**

Elisa A. Nahas, Esq.
Presiding Officer

Angelo Faenza, Commissioner

Parties:

Bargetto's Santa Cruz Winery, Attention: Martin Bargetto, President, 3535 North Main Street, Soquel, CA 95073

(Via US Mail and Certified Mail #7010 1670 0000 0762 2904

Greenwich Imports, Attention: Jeb D. Fiorita, 120 Viaduct Road, Stamford, CT

(Via US Mail and Certified Mail # 710 1670 0000 0762 2942)

Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden, CT 06518

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106