

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Maria Perez, Permittee
and Backer
Junior's Supermarket
Liquor Permit No. LGB.14049

Docket No. 10-397
Case No. 2009-4830
April 27, 2010

MEMORANDUM OF DECISION

This matter involves a grocery beer liquor permit issued to Junior's Supermarket, 651 Albany Avenue, Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on March 25, 2010. Maria Perez, permittee and backer, appeared with her daughter.

The following charges are alleged against the Respondent. It is alleged that on or about January 23, 2009, the Respondent violated (1) Sec. 30-6-A24(a) of the Regulations of Connecticut State Agencies by selling untaxed Newport cigarettes, loose cigarettes and bootleg CDs; (2) Sec. 30-20(b) of the Connecticut General Statutes and (3) Sec. 30-6-A40(i) of the Regulations of Connecticut State Agencies in that the beer prices were not properly displayed; (4) Sec. 30-53 of the Connecticut General Statutes in that the liquor permit had not been filed with the Hartford Town Clerk; and (5) Sec. 30-6-A12 of the Regulations of Connecticut State Agencies in that permittee's name sign was not posted. The Respondent denied charges 1, 2, 3 and 4, admitted charge 5, and the matter proceeded to a hearing.

Based upon the testimony and documents presented at the hearing, we find the following facts. On January 23, 2009, at approximately 1:00 p.m., Liquor Control agents conducted a general inspection at Junior's Supermarket. Ramon ("Junior") Perez, the

owner's son, was present at the time of the inspection and assisted the agents. Packs of Newport cigarettes which bore a Virginia tax stamp, rather than a Connecticut tax stamp, were being sold by this premises. Individual cigarettes and bootleg CDs were also being sold at these premises. The liquor permit had not been recorded with the Hartford Town Clerk, as required, and the prices of the beer being sold were not displayed on a sign adjacent to the beer coolers, on the shelving or on the beer products themselves. The permittee's name was not posted on a sign adjacent to the main entrance as required.

At the time of this incident, Ms. Perez was not involved in the day-to-day operations of Junior's Supermarket. However, the permittee is held strictly accountable for the conduct of his or her permit premises and we strongly caution Ms. Perez that she needs to be mindful of the requirements of the Liquor Control Act in the future.

Based upon the substantial evidence, and the Respondent's admission, we find the Respondent to be in violation of Charges 1-5, as alleged. The Liquor Control Act vests in the Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit, after a hearing, if it deems appropriate. Dadiskos v. Liquor Control Commission, 150 Conn. 425, 190 A.2d 490 (1963). Accordingly, we hereby suspend Junior's Supermarket's grocery store beer liquor permit for a period of two (2) days.

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY:

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Maria Perez, Permittee, Juniors Supermarket, 651 Albany Avenue, Hartford, CT 06112

(Via US Mail and Certified Mail # 7010 0290 0003 6268 4150)

Maria Perez, 16 Amity Street, 1st Floor, Hartford 06106-1051

(Via US Mail and Certified Mail # 7010 0290 0003 6268 4327)

Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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