

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Congressman Supermarket  
Wilberto Diaz, Permittee  
1978 Main St. WD, LLC, Backer  
Permit No LGB.14199  
Case No. 2010-363

Docket No. 11-189  
March 22, 2011

**MEMORANDUM OF DECISION**

This matter involves a grocery beer liquor permit issued to Congressman Supermarket, 1978 Main Street, Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 13, 2011, at which time, Wilberto Diaz, permittee, appeared.

It is alleged that on March 25, 2010, the Respondent violated Sec. 30-6-A24(a) of the Regulations of Connecticut State Agencies by unlawful conduct being permitted on the permit premises, by selling untaxed cigarettes and counterfeit or unauthorized DVD films. This allegation came to the department by way of a special investigation conducted by the Department of Consumer Protection's Liquor Division in conjunction with the Hartford Police Department on March 25, 2010. Mr. Diaz denied the charge and the matter proceeded to a hearing.

Based upon the testimony and documents, we find the following facts. On March 25, 2010, Special Agent Colla and Detective Shawn Nichols of the Hartford Police Department's Vice and Narcotics Unit conducted inspections of locations holding liquor permits in the city. They entered Congressman Supermarket and located 141 packs of cigarettes which either had no tax stamp or counterfeit tax

stamps affixed to the bottom of the boxes on the permit premises. They also located approximately 130 unauthorized DVD's, some of which were of films which had not yet been released for retail sale. Possession of more than 100 unauthorized DVD's is unlawful under the provisions of Sec. 53-142f(a) of the Connecticut General Statutes. At the hearing, Mr. Diaz testified that he had purchased the cigarettes "on the street" and presumed they were genuine; he further testified that the DVD films he sold were used genuine DVD's.

Based upon the evidence adduced, the Respondent is found in violation of the charge alleged. The Liquor Control Act grants the Liquor Control Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit after a hearing. Balog v. Liquor Control Commission, 150 Conn. 473, 191 A.2d 20 (1963). Based upon the foregoing, we hereby suspend the Respondent's grocery beer permit for two days.

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

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Elisa A. Nahas, Esq.  
Designated Presiding Officer

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Angelo J. Faenza, Commissioner

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Stephen R. Somma, Commissioner

**Parties:**

**Wilberto Diaz, Permittee, Congressman Supermarket, 1978 Main Street,  
Hartford, CT 06120**

**Non-Parties:**

**John Suchy, Director, Liquor Control Division**

**Connecticut Beverage Journal**

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