

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Keans Spirits LLC
Arthur J. Kean, Permittee
Keans Spirits LLC, Backer
Docket No. 13-292
Permit No. LGB.14750P

Case No. 2012-1173
May 7, 2013

MEMORANDUM OF DECISION

This matter involves an application for a grocery beer liquor permit for Keans Spirits LLC, 16 South Avenue, New Canaan, Connecticut. A formal administrative hearing was held before the Liquor Control Commission on March 21, 2013. Arthur J. Kean, permittee, appeared. The hearing was held on a question of Sec. 30-20(c), Connecticut General Statutes, to determine whether the premises qualifies as a “grocery store”. At the conclusion of the hearing, the record was left open until May 1, 2013, for the applicant to submit additional breakdown of sales forms and photographs, however, there was nothing further submitted by the applicant. This premises is currently operating under the auspices of a provisional permit.

Based upon the evidence adduced at the hearing, the following facts are found. Liquor Control Agent Driffin was assigned to investigate this new application and conducted two on-site inspections as part of her new application review. Her first inspection occurred in July 2012,

subsequent to the applicant being granted a provisional permit. Agent Driffin reviewed breakdown of sales forms for August and October 2012. She felt these breakdown of sales were not reflective of the merchandise available for sale at the time of her July 2012 on-site inspection, and Agent Driffin questioned whether this premises qualified for a grocery beer liquor permit.

Agent Driffin revisited the location on March 20, 2013. She noted that the layout was not much changed since her prior inspection except for the addition of one gondola containing grocery items including condiments, cereals, oils and canned goods. She observed that customers shopped mostly for candy, lottery tickets, juices and snacks. Agent Driffin also reviewed additional breakdown of sales forms for December 2012 and January 2013. Based upon her on-site inspections as well as her analysis of the Breakdown of Sales forms, Agent Driffin found it questionable whether this location meets the requirements for a grocery beer liquor permit.

At the conclusion of the hearing, the record was left open for the applicant to submit additional breakdown of sales forms and photographs of the interior of the store. However, these items were not forthcoming.

Based on the testimony and documents provided, this store cannot be found to be “primarily engaged in the sale of groceries” as required,

and does not operate as a grocery store within the meaning of Sec. 30-20(c), Connecticut General Statutes.

Accordingly, the Department of Consumer Protection orders the application for a grocery store beer permit by Arthur J. Kean and Keans Spirits LLC denied for failure to qualify with the requirements set forth in Sec. 30-20(c) Connecticut General Statutes. We note that the provisional permit currently in effect will expire on May 9, 2013, and cannot be further extended. *See*, Sec. 30-35b, Conn. Gen. Stat.

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

Elisa A. Nahas, Esq.
Presiding Officer

Stephen R. Somma, Commissioner

Angelo Faenza, Commissioner

Parties:

Arthur J. Kean, Permittee, Keans Spirits LLC, 16 South Street, New Canaan, CT 06840

(Via US Mail and Certified Mail # 7011 2000 0001 0653 3838)

Thomas Brennan, The Brennan Firm, 114 Ocean Drive West, Stamford, CT 06902

Non-Parties:

Director John Suchy, Liquor Control Division

Connecticut Beverage Journal

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

