

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

A&S Discount Liquors  
Jian Fu, Permittee  
New Milestones LLC, Backer  
Permit #LIP.14080  
Docket No. 07-217

March 22, 2007

**MEMORANDUM OF DECISION**

This matter involves a package store permit issued to A&S Discount Liquor, 929 New Britain Avenue, West Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 11, 2007. Attorney Samuel P. Browning appeared on behalf of the Respondent and was accompanied by Qingjie Meng, a member of the backer LLC.

The alleged violation came to the attention of the Department of Consumer Protection by way of a police referral from the West Hartford Police Department. It is alleged that on or about January 28, 2006, the Respondent sold or delivered alcoholic liquor to a minor in violation of Section 30-86, Connecticut General Statutes. The charge was denied by counsel on behalf of the Respondent, and the matter proceeded to a hearing.

The following facts are found based upon the evidence adduced at the hearing. On January 28, 2006, at approximately 9:30 p.m., Officer Peter Juda responded to a complaint of people congregating at an

outdoor pavilion area in West Hartford, Connecticut. He located five juveniles, ranging in age from 14 to 16, at the pavilion. He also located a 750 ml bottle of Vodka alcohol. Matthew Downey claimed ownership of the alcohol.

Earlier in the evening of January 28, 2006, Matthew Downey purchased a bottle of the Vodka from the clerk at A&S Discount Liquors. Mr. Downey's date of birth is August 25, 1989; he was 16 years of age at the time, and thus a minor. Since Mr. Downey did not have a driver's license, he was driven there by his 16 year old friend, David Mello. Mr. Downey was not requested to present any age identification by the sales clerk prior to being sold alcohol nor was he requested to sign an age statement form.

There was conflicting testimony at the hearing; however, we find the direct testimony of the minors, Mr. Downey and Mr. Mello to be entirely credible. The determination of factual issues on conflicting testimony is within the province of the commission. Noyes v. Liquor Control Commission, 151 Conn. 524, 527, 200 A.2d 467 (1964). 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. Dadiskos v. Liquor Control Commission, 150 Conn. 422, 190 A.2d 490 (1963).

Based upon the testimony and documents presented, we find that the sale of alcohol to a 16-year old minor, Matthew Downey, did occur in

violation of Section 30-86, Connecticut General Statutes, on January 28, 2006. We are cognizant of the young age of the minor and of the minors who may have consumed the alcohol, had the police officers not appeared at the pavilion at that time. Accordingly, we hereby suspend the Respondent's package store permit for seven days and for an additional twenty days. In lieu of the additional 20-day suspension, however, we will accept payment of a fine of \$1,500 in accordance with Sections 30-6-A8(i) and (k) of the Regulations of Connecticut State Agencies.

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

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Elisa A. Nahas, Esq.  
Presiding Officer

Parties:

Jian Fu, Permittee c/o Samuel P. Browning, Esq., 671 Scotland Road,  
Norwich, CT 06360

Jian Fu, Permittee, A&S Discount Liquors, 929 New Britain Avenue,  
West Hartford, CT 06110 (Via US Mail and Certified Mail # 7006 0810  
0001 7313 4559)

Nonparties:

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