

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Kerrim Jivani, Applicant
329 C-Store, LLC, and
7-Eleven Inc., Backer
Docket No. 12-739
Permit No. LGB.14765

Case No. 2012-1362
November 1, 2012

MEMORANDUM OF DECISION

This matter involves an application for a grocery beer liquor permit for 7-Eleven, 329 Old Gate Lane, Milford, Connecticut. A formal administrative hearing was held before the Liquor Control Commission on October 11, 2012. Kerrim Jivani, applicant, appeared with counsel. 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”.

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 an on-site investigation in the course of her review. She noted that the proposed premises is a traditional 7-Eleven store located in a commercial area near a shopping plaza; she observed it to be stocked with a significant amount of takeout and snack items and some grocery items. The location has interior access to an adjacent Popeye’s Restaurant which is also owned by the applicant, and

Mr. Jivani has agreed to seal this interior access if he is granted a grocery beer liquor permit.

As part of the application process, Mr. Jivani submitted Breakdown of Sales forms for April, 2012. After reviewing the forms, Agent Driffin discussed the statutory requirements for a grocery beer permit with Mr. Jivani, and additional Breakdown of Sales forms were submitted for June, July, August and September, 2012.

The Breakdown of Sales forms for June, July, August and September, 2012, show that for each such month the sales of grocery items - such as dairy products, eggs and poultry, fruits and vegetables, seafood, bakery products and grocery items such as canned and dry goods, coffee, cereals, and frozen foods - were substantially less than the sales of other merchandise offered at this premises.

Based upon her on-site observations and the Breakdown of Sales forms, Agent Driffin found it questionable whether this location meets the requirements for a grocery beer liquor permit. The applicant indicated that this is a new store which has only been open 13 months. While it accepts WIC and food stamps, sales of grocery items have been slow in increasing. However, at this time, 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 Mr. Jivani denied for failure to qualify with the requirements set forth in Sec. 30-20(c). However, we will STAY such denial until November 30, 2012, to afford the applicant an opportunity to submit a withdrawal of this application to this department. If no such withdrawal has been received by November 30, 2012, the application will be denied.

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

Elisa A. Nahas, Esq.
Presiding Officer

Stephen R. Somma, Commissioner

Angelo Faenza, Commissioner

Parties:

Kerrim Jivani, Applicant, 3 Debra Court, Marlborough, NJ 07746-2042
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Non-Parties:

Director John Suchy, Liquor Control Division
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