

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Snack Mart
Farhama Riaz, Permittee
Snack Mart LLC, Backer
Docket No. 14-161
Permit No. LGB.13946

Case No. 2013-701
March 18, 2014

MEMORANDUM OF DECISION

This matter involves a grocery beer liquor permit issued to Snack Mart, 88 West Street, Cromwell, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on February 20, 2014, beginning at 10:00 a.m. Proper notice of the hearing was provided; however, the Respondent failed to appear at the scheduled time. The permittee, Farhama Riaz, presented herself at the department's offices at 1:00 p.m., on February 20, 2014, and left two recent monthly Breakdown of Sales forms and photographs with department staff. Ms. Riaz indicated that had she appeared at the formal hearing time in the morning, she would have offered the two Breakdown of Sales forms and photographs to the Liquor Control Commission for consideration.

The following charges are alleged against the Respondent. It is alleged that on August 13, 2013, the Respondent violated: (1) Sec. 30-6-A17(a) of the Regulations of Connecticut State Agencies in that the premises lacked a lockable storage area; (2) Sec. 30-6-A24(g) of the Regulations of Connecticut State Agencies by failing to maintain a supply of age statement on the premises; (3) Sec. 30-6-A27(c) of the Regulations of Connecticut State Agencies by failing to either utilize a rubber stamp containing the trade name of the retailer and the

name of the permittee on liquor invoices or sign the liquor invoices with the trade name of the retailer, the name of the permittee and the signature or initials of the recipient; (4) Sec. 30-6-A12a of the Regulations of Connecticut State Agencies by failing to notify the department that the trade name of this business had changed; and (5) Sec. 30-22(c) of the Connecticut General Statutes in that it failed to meet the statutory requirements for a grocery beer liquor permit.

We find the following facts. On August 13, 2013, Special Agent Boucher conducted a special investigation at the premises. This special investigation was triggered by a complaint from the Department of Revenue Services that, based upon their observations during an investigation, it appeared that the premises did not meet the qualifications for a grocery store beer permit.

Special Agent Boucher observed that there were not many grocery products on the shelves of the premises. The store was primarily stocked with non-edible items such as newspapers, magazines, cigarettes, snack foods, gum and candy products, and beverages including water, soda and beer. Special Agent Boucher requested that the Respondent provide him with Breakdown of Sales forms for May, June and July, 2013, to provide the department with sales data in specific categories to determine compliance with Sec. 30-20(c), Connecticut General Statutes.

During his inspection, Special Agent Boucher also noted other issues, including that that there was no secure place of storage for alcoholic liquor. He observed that the trade name sign on the premises did not match the trade name on file with the department. The sign on the building said "Daada Mart;" the trade name registered with the department is "Snack Mart." The department had

not been notified of this change in name. We note that the backer name is Snack Mart LLC. The permittee did not maintain a supply of age statement forms on the premises, nor did the permittee either utilize a rubber stamp containing the trade name of the retailer and the name of the permittee on liquor invoices or sign the liquor invoices with the trade name of the retailer, the name of the permittee and the signature or initials of the recipient.

Section 30-20(c) provides, in part:

“Grocery store” means any store commonly known as a supermarket, food store, grocery store or delicatessen, *primarily engaged in the retail sale of all sorts of canned goods and dry goods such as tea, coffee, spices, sugar and flour, either packaged or in bulk*, with or without fresh fruits and vegetables, and with or without fresh, smoked and prepared meats, fish and poultry... (Emphasis added.)

The Breakdown of Sales form for May, 2013, shows 76% of sales were derived from sales of candies, nuts and confections, take-out foods, non-edible items including tobacco, health/beauty aids, paper products, magazines and newspapers, and beer. The Breakdown of Sales form submitted by the Respondent for June, 2013, also shows 76% of sales were derived from sales of candies, nuts and confections, take-out foods, non-edible items including tobacco, health/beauty aids, paper products, magazines and newspapers, and beer. The Breakdown of Sales form for July, 2013, shows 81% of sales were derived from sales of candies, nuts and confections, take-out foods, non-edible items including tobacco, health/beauty aids, paper products, magazines and newspapers, and beer.

In an attempt to allow the Respondent an opportunity to present more current information concerning her sales, the Liquor Control Commission considered the monthly Breakdown of Sales forms for November and December 2013 which were provided by Ms. Riaz following the hearing. Unfortunately, however, the November 2013 breakdown shows 63% of sales to be non-edible items and the December 2013 breakdown shows 69% of sales to be non-edible items.

Based on the testimony and documents provided, we do not find that this store is “primarily engaged in the sale of groceries” 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 this permit REVOKED for failure to comply with the requirements set forth in Sec. 30-20(c). However, we will STAY such revocation until April 15, 2014, to afford the Respondent an opportunity to return the permit to the department for cancellation. If the permit is not submitted for cancellation by April 15, 2014, the permit will be revoked.

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

Elisa A. Nahas, Esq.
Presiding Officer

Stephen R. Somma, Commissioner

Parties:

Farhama Riaz, Snack Mart, 88 West Street, Cromwell, CT 06416
(Via US Mail and Certified Mail # 7010 0290 0000 0308 6121)
Farhama Riaz, 45 Newington Avenue, New Britain, CT 06051

Non-Parties:

Director John Suchy, Liquor Control Division

Connecticut Beverage Journal

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