

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Luis Rosario, Applicant
Luis Rosario, Backer
Rosario Market
Docket No. 15-415
Permit No. LGB.14981

Case No. 2014-1211
June 11, 2015

MEMORANDUM OF DECISION

This matter involves an application for a grocery beer liquor permit for Rosario Market, 229 Henry Street, Stamford, Connecticut. A formal administrative hearing was held before the Liquor Control Commission on March 19, 2015. Luis Rosario, applicant and sole owner, appeared with Jodie Ruddle, his liquor consultant. 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". The hearing was also held on an alleged violation of Sec. 30-6-A1 of the Regulations of Connecticut State Agencies in that the applicant sold or delivered or offered or exposed alcohol for sale prior to being issued a liquor permit. At the conclusion of the hearing the record was held open until April 15, 2015, to allow the applicant an opportunity to submit an additional Breakdown of Sales form and to allow Agent Driffin to revisit the location.

Based upon the evidence adduced at the hearing, the following facts are found. Liquor Control Driffin was assigned to investigate this new application. She reviewed the application itself and found it to be in order. In July 2014, she visited the proposed location as part of her new application investigation. This is a small market near a residential development. At the time of her visit she

discussed the requirements for a grocery beer permit with the applicant and made some suggestions as to how he could modify his inventory to comply. She returned in August and September, 2014, and noted that the cooler had been repaired and the applicant had added dairy items to his inventory.

On December 10, 2014, she returned to the premises and observed beer in the cooler and in the storage room. The applicant provided her with receipts from a package store for that alcohol. A provisional permit had not been issued at that time. Mr. Rosario had previously held a grocery store beer permit and was aware that selling alcohol without a liquor permit was not permissible.

As part of the application process, the applicant submitted breakdown of sales forms April, July, August and September, 2014. Agent Driffin was concerned about the accuracy of those figures, particularly since the cash register at the store could not break out the sales of merchandise by category. She questioned whether the store met the requirements for a grocery beer liquor permit.

Subsequent to the hearing, the applicant submitted an additional breakdown of sales form for the period April 14-May 14, 2015. Agent Driffin also revisited the store and observed the inventory available to be primarily grocery items and noted the applicant had purchased a new cash register which is able to separate his sales. She now feels that the location is a bona fide grocery store.

Based upon the testimony and documents submitted at the hearing, and the additional documents submitted subsequent to the hearing, the Department of Consumer Protection ORDERS your application for a grocery store beer permit GRANTED, subject to the agent's final requirements (bill of sale and seller's affidavit).

In addition, based upon the substantial evidence adduced at the hearing, we find the respondent in violation of Sec. 30-6-A1 of the Regulations of Connecticut State Agencies . Accordingly, we hereby suspend the Respondent's grocery beer liquor permit for one day. In lieu of the 1-day suspension, we will accept payment of a fine of \$75, in accordance with Section 30-6-A8(i) and (k) of the Regulations of Connecticut State Agencies.

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



Elisa A. Nahas, Esq.
Presiding Officer



Angelo Faenza, Commissioner



David A. Scribner, Commissioner

Parties:

Luis Rosairo, 101 Richmond Hill Avenue, Stamford, CT 06902
Jodie Ruddy, Connecticut Liquor Consultants, 1442 Shippan Avenue, Stamford,
CT 06902

Non-Parties:

Director John Suchy, Liquor Control Division
Connecticut Beverage Journal
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