

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Irelands
Jorge R. Castro, Permittee
Phat Cat, LLC, Backer
Permit No. LCA.6435
Docket No. 07-438

May 1, 2007

MEMORANDUM OF DECISION

This matter involves a café liquor permit issued to Irelands, 158 Main Street, Portland, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 18, 2007, at which time the permittee, Jorge R. Castro, appeared

The following charges are alleged against the Respondent. It is alleged that on October 3, 2005, the Respondent violated (1) Sec. 30-76 of the Connecticut General Statutes in that alcohol was purchased for resale from an unauthorized source; (2) Sec. 30-6-A41(a) of the Regulations of Connecticut State Agencies in that alcohol as purchased from a business entity with which this permittee was not empowered to deal; (3) Sec. 30-6-A12 of the Regulations of Connecticut State Agencies in that the permittee's name sign was not posted adjacent to the main entrance to the permit premises; (4) Sec. 30-6-B25a of the Regulations of Connecticut State Agencies in that daily sales records were not being kept on the premises; and (5) Sec. 30-6-A27(d) of the Regulations of

Connecticut State Agencies in that two years of liquor invoices were not available on the permit premises.

It was also alleged that on June 2, 2006, the Respondent violated Sec. 30-47(5) of the Connecticut General Statutes, but at the outset of the hearing, the department determined that no further action would be taken on that charge and it was dismissed. The Respondent admitted Charges 1, 2, and 3 and denied charges 4 and 5, and the matter proceeded to a hearing.

We find the following facts. On October 3, 2005, Special Agent Colla conducted an investigation at Irelands. He entered the premises and identified himself to the Respondent. He confiscated a case of Heineken beer, packaged in two 12-packs in bottles, which had not been purchased from a wholesaler; Mr. Castro admitted this violation but stated that the beer had been purchased for a private party. The permittee name sign was not posted. Mr. Castro testified that he has since posted the permittee name sign as required. The daily sales records were not produced upon request at the time of the inspection; he testified that he normally maintains them in his office downstairs. Mr. Castro could not provide two years' of liquor invoices to the agent, as requested, and nothing before July 2005 was available for review. This issue had previously been discussed by agents with Mr. Castro in June 2005, and it appears that he began maintaining the required records at that time.

Based upon the substantial evidence adduced and the admissions of the Respondent, the Respondent is found in violation of all charges alleged, Charges, # 1, 2, 3, 4 and 5. The Liquor Control Act vests in the Commission a liberal discretionary power to determine factual matters with regard to liquor permits. Dadiskos v. Liquor Control Commission, 150 Conn. 425, 190 A.2d 490 (1963). Based upon the admissions of the Respondent and the testimony and documents submitted at the hearing, we hereby suspend the Respondent's permit for a period of five days. In lieu of the five-day suspension, we will accept payment of a fine of \$375.00, 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.
Designated Hearing Officer

Non-Parties:
John Suchy, Director, Liquor Control Division
Connecticut Beverage Journal
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106