

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Bashners Market
Leandro Collado, Permittee
Bashner's Market, Inc., Backer
Permit #LIP.13002
Docket No. 07-195

April 16, 2007

MEMORANDUM OF DECISION

This matter involves a package store liquor permit issued to Bashners Market, 1293 Main Street, Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on December 14, 2006, at which time Leandro Collado, permittee, appeared.

The allegations against the permit premises arose from a special investigation conducted on December 6, 2005, by the Department of Consumer Protection's Liquor Control Division and the Hartford Police Department. It is alleged that the Respondent violated: (1) Sec. 30-20(a) of the Connecticut General Statutes by selling DVD's, CD's, lighters, rolling papers, hats, gum, cigars, Viagra and Levitra, and prepaid telephone cards, commodities which package stores are prohibited from selling; (2) Sec. 30-74 of the Connecticut General Statutes in its unauthorized sale of alcohol, and (3) Sec. 30-6-A41(a) of the Regulations of Connecticut State Agencies in that alcohol was obtained from an unauthorized source, to be resold at this premises.

The Respondent admitted so much of Charge 1 which alleged that he sold cigars, lighters, rolling papers, gum, and prepaid phone cards and denied the balance of Charge 1 relating to DVD's, CD's, hats, Viagra and Levitra. The respondent also admitted Charges 2 and 3, and the matter proceeded to a hearing.

The following facts are found based upon the testimony and documents presented at the hearing. Liquor Control Agents Lewis and Colla and Det. Deborah Scates entered the permit premises to conduct an investigation. They met with the permittee, Leandro Collado, and his son, Elvis Collado. Inside the store, the Respondent offered for sale DVD's, CD's, lighters, rolling papers, hats, gum, cigars, Viagra prescription medication, Levitra prescription medication, and prepaid telephone cards; package stores are prohibited from selling such items. The coolers behind the counter held approximately 322 "bootleg" music CD's for sale by the Respondent to its customers.

Agents and officers located trays such as are used on airline beverage carts embossed with the American Airlines logos and five hundred twelve 50 ml. "nip" bottles of alcohol which carried the American Airlines label. The bottles had been stolen from American Airlines. Leandro Collado purchased the nips of alcohol, as well as the prescription medication and other unauthorized items from individuals "off the street" and sold them to customers at his package store .

The Liquor Control Act grants the Liquor Control Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit after a hearing. Balog v. Liquor Control Commission, 150 Conn. 473, 191 A.2d 20 (1963). This power to suspend or revoke a liquor permit is exercised conservatively, but mindful that dispensing liquor is a privilege, not a right. Beckanstin v. Liquor Control Commission, 140 Conn. 185, 99 A.2d 119 (1953). The Respondent's actions with regard to the laws regulating the purchase and sale of alcohol and the operation of this package store mandate that stern enforcement action be taken to bring his privilege of holding a package store liquor permit issued by this department to an end.

Accordingly, based upon the Respondent's admissions and the documents and testimony adduced at the hearing, we hereby find the Respondent in violation of all three charges, Section 30-20(a) and Section 30-74 of the Connecticut General Statutes, and Section 30-6-A41(a) of the Regulations of Connecticut State Agencies. We hereby revoke the Respondent's package store liquor permit, effective immediately, in accordance with Section 30-6-A8(c) of the Regulations of Connecticut State Agencies.

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

Elisa A. Nahas, Esq.
Presiding Officer

Parties:

Leandro Collado, 53 Ardmore Road, West Hartford, CT 06119-1202
Leandro Collado, Permittee, Bashners Market, 1293 Main Street,
Hartford, CT 06103

Nonparties:

Director John Suchy, Liquor Control Division, Department of Consumer
Protection
Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159,
Hamden, CT 06518
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106
Det. Deborah Scates, Hartford Police Department, 50 Jennings Road,
Hartford, CT 06120