

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Spring Hill Liquor
Richard K. Agvent, Permittee and Backer
Permit # LIP.12405
Docket No. 07-715

May 31, 2007

MEMORANDUM OF DECISION

This matter involves a package store liquor permit issued to Spring Hill Liquor, 1 Spring Hill Avenue, Norwalk, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on May 10, 2007. Richard K. Agvent, the permittee and backer, appeared at the hearing.

The allegation against the permit premises arose from a joint investigation conducted by the Liquor Control Division and the Norwalk Police Department. It is alleged that on or about November 18, 2006, the Respondent sold or delivered alcoholic liquor to a minor in violation of Section 30-86, Connecticut General Statutes. The Respondent admitted the charge and the matter proceeded to a hearing.

The following facts are found based upon the evidence adduced at the hearing. On November 18, 2006, at approximately 3:45 p.m., Liquor Control Agent Colla entered the package store as part of an undercover "sting" operation. The undercover operative, a female whose date of birth is April 18, 1987, entered shortly thereafter. She was 19 years

old at the time and a minor. The only form of identification the undercover operative had on her person was her valid Connecticut driver's license which stated she was "UNDER 21 UNTIL 04-18-2008." She entered Spring Hill Liquors and went to the beer cooler. She removed a 40 oz. bottle of Colt 45 malt liquor. The clerk, Charles A. Agvent, asked to see her identification and the minor produced her valid driver's license with her correct date of birth. The license was in the vertical format and showed she was under 21 until 4-18-08. The clerk looked at the identification which showed her not to be of legal age to purchase alcohol, returned it to the minor, and sold her the alcohol.

This package store has been cited for violations of Section 30-86 Connecticut General Statutes, selling alcohol to underage individuals, on four prior occasions: January 7, 2000, November 21, 2002, March 8, 2003 and, most recently, May 13, 2005 (see In the Matter of Spring Hill Liquor, Docket 06-113). Its package store liquor permit has been suspended and civil penalties have been paid for such violations. At the hearing, Mr. Agvent presented testimony concerning a proposed sale of his business, but to date, no new package store application has been submitted to this department by the proposed purchaser.

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).

Therefore, based upon the substantial evidence presented and the admissions of the Respondent, we hereby find the Respondent guilty of violating Section 30-86, Connecticut General Statutes, as alleged. The Respondent's liquor permit is suspended for a period of one hundred twenty (120) days, 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

Angelo J. Faenza, Commissioner

Gary Berner, Commissioner

Parties:

Richard K. Agvent, Spring Hill Liquor, 1 Spring Hill Avenue, Norwalk, CT

Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159,
Hamden, CT 06518

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