

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Ronny Market
Jesus Rivera, Permittee
Backer: Juana Polanco & Maria M. DelValle
Docket No. 08-265

Permit No. LGB.13459
Case No. 2007-4371
June 19, 2008

MEMORANDUM OF DECISION

This matter involves a grocery beer liquor permit issued to Ronny Market, 1160 State Street, Bridgeport, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on June 12, 2008. Proper notice of the hearing was provided; however, the Respondent failed to appear.

The following charges are alleged against the Respondent. It is alleged that on May 18, 2007, the respondent violated (1) Sec. 30-20(b) of the Connecticut General Statutes, (2) Sec. 30-76 of the Connecticut General Statutes, (3) Sec. 30-6-A41(a) of the Regulations of Connecticut State Agencies, and Sec. 30-74(a) of the Connecticut General Statutes by having alcohol other than beer on the permit premises and by selling alcohol without a liquor permit; and (5) Sec. 30-6-A24(a) of the Regulations of Connecticut State Agencies in that the sales clerk was arrested on the permit premises.

It is further alleged that on July 5, 2007, the Respondent violated (6) Sec. 30-6-B55(a) of the Regulations of Connecticut State Agencies in that the beer coolers were not locked after legal sale hours; (7) Sec. 30-6-A24(a) of the Regulations of Connecticut State Agencies in that the manager of the premises was arrested on the permit premises; (8) Sec. 30-6-A24(g) in that a supply of age statement forms was not available on the premises; (9) Sec. 30-54 of the Connecticut General Statutes in that the liquor permit was not hung in plain view; and (10) Sec. 30-20(b) of the Connecticut General Statutes in that the beer prices were not posted.

Lastly, it is alleged that on October 27, 2007, the Respondent violated (11) Sec. 30-6-A24(a) of the Regulations of Connecticut State Agencies in that three employees were arrested on the permit premises; (12) Section 30-20(b) of the Connecticut General Statutes in that bottles of alcohol and partially consumed bottles of beer were found in the permit premises; (13) Sec. 30-74(a) of the Connecticut General Statutes and (14) and Sec. 30-6-A41(a) of the Regulations of Connecticut General Statutes in that two empty bottles of alcohol and one partially full bottle of alcohol were found on the permit premises; (15) Sec. 30-6-A24(g) of the Regulations of Connecticut State Agencies in that a supply of age statement forms was not available on the premises; and (16) Sec. 30-6-B55(a) of the Regulations of Connecticut State Agencies in that the beer coolers were not locked after legal hours of sale.

These allegations came to the department by way of two police referrals from the Bridgeport Police Department, one for the incident of May 18, 2007, and the second for the incident of July 5, 2007, and a special investigation conducted by the Department of Consumer Protection's Liquor Division in conjunction with the Bridgeport Police Department on October 27, 2007.

Based upon the testimony and documents, we find the following facts. On May 18, 2007, Officer Roscoe and Officer Pizarro of the Bridgeport Police Department conducted a surveillance of the permit premises in response to complaints of illegal liquor sales from this store. An individual purchased a 200 ml. bottle of E&J Brandy at this premises. Bridgeport police officers located seventeen bottles of Hennessy cognac in a hidden compartment in the floor of the rear storage room of this premises. Lizmarie Torres, a clerk at this grocery store premises, was arrested on the premises for sale of liquor without a permit in violation of Sec. 30-77 of the Connecticut General Statutes.

We further find that on July 5, 2007, Bridgeport police officers observed a hand-to-hand narcotics transaction take place just inside the permit premises. Kelvin Paralta, the manager of this grocery beer premises was arrested on the premises and charged with violating Sec. 21a-267b, possession of drug paraphernalia, Sec. 21a-277c possession of drug paraphernalia in a drug factory, 30-91(d) hours and days of closing, Sec. 30-6-B55(a) restriction of sales, Sec. 30-20(b) failure to post prices, Sec. 30-

prices, Sec. 30-86, age statement forms, and Sec. 30-54, permit not hung in plain view. At approximately 9:30 p.m., after legal sale hours, the beer coolers were not locked. No age statement forms were available on the permit premises. The liquor permit was not hung in plan view but rather was located in a box on the floor. The beer prices were not posted anywhere on this premises.

We also find that on October 27, 2007, three employees of this grocery beer permit holder were arrested on the premises. Efrain Reyes was charged with violating Conn. Gen. Statutes Sec. 29-35, carrying a pistol without a permit; Sec. 21a-279c, possession of marijuana; Sec. 21a-277b, possession of marijuana with intent to sell; and Sec. 21a-267a, possession of drug paraphernalia. Kelvin Peralta was charged with violating Sec. 21a-279c, possession of marijuana, and Sec. 21a-277b, possession of marijuana with intent to sell. Miguel Angel Rodriguez was charged with violating Sec. 21a-279c, possession of marijuana, and Sec. 21a-277b, possession of marijuana with intent to sell. A shot dispenser with two empty liquor bottles and a partially full bottle of alcohol attached were found on the permit premises. Two open, partially consumed bottles of beer were found on the front countertop inside the permit premises. Two empty bottles of alcohol and one partially full bottle of alcohol were found on the permit premises. No age statement forms were available on the permit premises. At approximately 12:19 a.m., after legal sale hours, the beer coolers were not locked.

Based upon the evidence adduced, the Respondent is found in violation of all charges alleged over the three incidents over a six month time period. 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). By the Respondent's actions in disregarding our laws concerning sales of alcohol, this Respondent has shown that stern enforcement action is warranted to restrain continued enjoyment of that privilege. Therefore, we hereby **ORDER** the grocery beer liquor permit **revoked immediately** in accordance with § 30-6-A8(c) of the Regulations of Connecticut State Agencies.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

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Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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