

TATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Mohammad Alam, Applicant
Star Family Market, LLC, Backer
Star Family Market
Docket No. 16-444
Permit No. LGB.15169

Case No. 2016-564
October 4, 2016

MEMORANDUM OF DECISION

This matter involves an application for a grocery beer liquor permit for Star Family Market, 129 Rubber Avenue, Naugatuck, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection, Liquor Control Commission, on August 25, 2016. Mohammad Alam, applicant and sole member of the backer limited liability company, appeared. 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" and an alleged violation of Sec. 30-6-A1 of the Regulations of Connecticut State Agencies and Sec. 30-77 of the Connecticut General Statutes in that alcoholic liquor was sold, delivered or offered or exposed for sale at a location lacking a liquor permit,

Based upon the evidence adduced at the hearing, the following facts are found. Liquor Control Agent Bailey was assigned to investigate this new application. He reviewed a breakdown of sales form for January 2016. Agent Bailey conducted an onsite investigation at the premises on March 17, 2016. While he observed grocery items on the premises and noted that the store was adequately stocked, he

was not able to verify the sales figures because the premises was not able to provide any receipts or register tapes to back up the figures.

Agent Bailey observed a large amount of tobacco products behind the counter, a large display of loose tobacco products, and a separate "cigar room" stocked with tobacco products. Mr. Alam later testified that he sold approximately \$8,000 to \$10,000 in tobacco monthly.

At the time of Agent Bailey's March 17, 2016, onsite visit, this location lacked an active liquor permit. Agent Bailey observed beer exposed for sale on the selling floor; the coolers containing beer were open and accessible to the public.

In June 2016, Agent Bailey received a Breakdown of Sales form for May 2016. Agent Bailey calculated that items which are considered to be grocery items, Items 1 through 6 on the form, comprised 25.9% of total sales. Agent Bailey concluded that this premises does not operate as a bona fide grocery store.

Based on the testimony and documents provided, we find this location in violation of Sec. 30-77 of the Connecticut General Statutes and Sec. 30-6-A1 of the Regulations of Connecticut. We also find that this store is not primarily engaged in the sale of groceries and does not operate as a grocery store within the meaning of Sec. 30-20(c), Connecticut General Statutes. Accordingly, the Department of Consumer Protection orders the application for a grocery store beer permit by Mohammad Alam denied for failure to qualify with the requirements set forth in Sec. 30-20(c).

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION

BY:

Anne K. Stiber

Anne K. Stiber, Esq.
Designated Presiding Officer

Angelo J. Faenza

Angelo J. Faenza, Commissioner

David A. Scribner

David A. Scribner, Commissioner

Approved, adopted and so ordered this 5th day of October, 2016.

Jonathan A. Harris

Jonathan A. Harris
Commissioner of Consumer Protection

Parties:

Mohammad Alam, Applicant

46 Proctor Street

Waterbury, CT 06706

(Via US Mail and Certified Mail # 7007 3020 0003 0390 ~~4019~~ ³⁴⁸⁷ _{meg})

Non-Parties:

Director John Suchy, Liquor Control Division

Connecticut Beverage Journal

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