

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Edwin A. Moustafa, Permittee
Oyama
136 Elm Street
Enfield, CT 06320

Case No. 2016-831
Liquor Permit LIR.17363

MEMORANDUM OF DECISION

This matter involves a restaurant liquor permit issued to Oyama, 136 Elm Street, Enfield, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on April 20, 2017. Edwin A. Moustafa, permittee, and his employee, Chuan S. Yau, appeared.

The allegations against the permit premises arose from a joint compliance operation conducted by the Department of Consumer Protection's Liquor Control Division and the Enfield Police Department. It is alleged that on or about October 14, 2016, the Respondent sold or delivered alcoholic liquor to a minor in violation of Section 30-86(b) of the Connecticut General Statutes and the presence of a minor in a barroom in violation of Section 30-90 of the Connecticut General Statutes.

The following facts are found based upon the evidence adduced at the hearing. On October 14, 2016, the Department of Consumer Protection's Liquor Control Division and the Enfield Police Department conducted underage

drinking compliance checks in Enfield, utilizing two minors (one male and one female) as undercover operatives. Both minors were 18 on the day of the operation. As identification, they carried valid Connecticut identification cards with their correct dates of birth.

At approximately 8:13 p.m., Agent Lanuza, Supervising Agent Mercado and Agent Lewis entered Oyama and sat at the bar. A short time later the two minors entered the restaurant and also sat at the bar. An employee approached the minors and both ordered alcoholic beverages. The employee then asked for their IDs. He looked at the IDs and then handed them back to the minors. The employee proceeded to get the drinks and placed them in front of the minors. They paid for the drinks and left the establishment.

Later that evening, Agent Lanuza, Supervising Agent Mercado and two Enfield police officers went back to the location to identify the server. He was identified as Chuan S. Yau. Mr. Yau stated he thought the year of birth on the IDs said 1989 and so they were of age. The IDs in question both had the year of birth 1998. There were no other violations to report.

At the hearing, Mr. Moustafa testified he has 35 years of experience as a businessman, has been permittee for Oyama for ten years and has never had a problem before. He stated his employee did ask for and check the IDs but he made an error and did not intentionally serve minors.

Mr. Yau testified the restaurant lighting was dark and he was not wearing his glasses. He stated he read "89" instead of "98" and this was an honest mistake on his part. He stated he has worked there for 9 years and never before had a problem.

Based upon the testimony and evidence presented, we hereby find the Respondent guilty of violating the charge as alleged. 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).

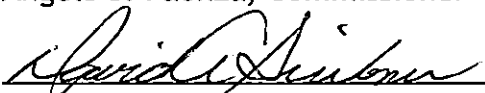
The Respondent's liquor permit is suspended for a period of one (1) day and shall pay a fine in the amount of \$500.00.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:




Angelo J. Faenza, Commissioner



David A. Scribner, Commissioner

Approved, adopted and so ordered this 9th day of June, 2017.



Michelle H. Seagull
Commissioner of Consumer Protection

Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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