

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Mujibur R. Ali, Permittee  
Mujibur R. Ali, Backer  
Main Street Convenience  
Permit #LGB-14148  
Docket No. 10-982

July 27, 2010  
Cases No. 2009-5269 and  
2009-5409

**MEMORANDUM OF DECISION**

This matter involves a grocery beer liquor permit issued to Main Street Convenience, 199 Main Street, Stamford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on June 17, 2010, at which time Mujibur R. Ali, permittee, appeared with counsel.

The allegations against the permit premises arose from two separate investigations conducted by liquor control agents on June 25, 2009 and July 2, 2009. It is alleged that on or about June 25, 2009, the Respondent sold or delivered alcoholic liquor to a minor in violation of Section 30-86 of the Connecticut General Statutes. It is further alleged that on or about June 25, 2009, the Respondent failed to maintain age statement forms, in violation of Section 30-6-A24(g) of the Regulations of Connecticut State Agencies; to display his liquor permit in plain view and framed, in violation of Section 30-54 of the Connecticut General Statutes; and to post his permittee name sign, in violation of Section 30-6-A12 of the Regulations of Connecticut State Agencies. The Respondent

denied the alleged sale to minor charge and admitted the violations of Sections 30-6-A24(g) and 30-6-A12 of the Regulations of Connecticut State Agencies, and Section 30-54 of the Connecticut General Statutes.

It is also alleged that on or about July 2, 2009, the Respondent had in the permit premises alcohol other than beer in violation of restrictions on sales and purchases under Section 30-6-A41 of the Regulations of Connecticut State Agencies and in violation Section 30-76 of the Connecticut General Statutes. The Respondent denied the alleged violation of Section 30-76 and admitted the violation of Section 30-6-A41 of the Regulations of Connecticut State Agencies.

Based upon the testimony and documents presented at the hearing, we find the following facts. On June 25, 2009, Special Agent Colla of the Liquor Control Division was assigned to a high visibility presence at the Alive @ Five concert on the Main Street Green in Stamford. During the event, Special Agent Colla observed a young-looking female consuming a Budweiser beer concealed in a brown paper bag, identifiable from its exposed top. The female was later identified by Special Agent Colla as Gabrielle M. Delisi, who was 19 years of age at the time and whose date of birth is 7-19-89. Ms. Delisi testified that she purchased the beer from the Main Street Convenience Store, which was located across the street from the green. She also testified that she used the New York driver's license of another person, Emily S. Lewek, whose date of birth is 10-22-86, to purchase the beer, and that the clerk did not

ask her to fill out an age statement form. Special Agent Colla testified that there were several differences between the faces of Ms. Delisi and Ms. Lewek apparent from the New York driver's license, including the shape of her jawline, the width of her nose and the fact that Ms. Delisi's eyes are green, whereas Ms. Lewek's eyes are brown. While interviewing Ms. Delisi, Special Agent Colla directed Agent Wallet of the Liquor Control Division, also present at the Alive @ Five concert, to gather the store's permit information and identify the sales person based on Ms. Delisi's description. While doing so, Agent Wallet identified the clerk as the Respondent. Additionally, Agent Wallet observed that the Respondent was unable to locate any age statement forms, had affixed the liquor permit with tape near the ceiling and not in a frame in plain view to customers, and that there was no permittee sign posted.

On July 2, 2009, Special Agent Colla, Special Agent Vaughn and Agent Bailey were again assigned to a high visibility presence at the Alive @ Five concert being conducted on the Main Street Green. During the event, suspected minors were observed entering and exiting the Main Street Convenience Store. At approximately 9:00 p.m. the agents entered the permit premises and identified themselves to the Respondent. Special Agent Colla thereafter asked the Respondent where his lockable beer storage area was located. The Respondent opened a small room toward the rear of the premises which is also used as an office. Therein, Special Agent Colla observed a 100 ml bottle of Hennessy cognac which

was approximately 1/6 full. The Respondent testified that an employee would occasionally consume alcohol on the premises. Special Agent Colla hereafter asked whether there was any other alcohol on the permit premises. The Respondent initially answered no, but upon further inspection by Special Agent Colla, he proceeded to open a file cabinet and produce two 750 ml bottles of Oliver Soft Red Wine which were fully sealed, one 100 ml of Hennessy Cognac which was fully sealed, and one 200 ml Wray & Nephew Overproof Rum, which was  $\frac{3}{4}$  full. The alcohol was seized and placed into evidence.

Based upon the Respondent's admissions and the substantial evidence adduced at hearing, the Respondent is found in violation of all charges alleged. The Liquor Control Act vests the Commission with a liberal discretionary power to determine the credibility of witnesses and factual matters with regard to liquor permits. Fenton v. Liquor Control Commission, 151 Conn. 537, 539, 200 A.2d 481 (1964). We find the testimony of Ms. Delisi to be completely credible and believe her version of the events of June 25, 2009. The determination of factual issues on conflicting testimony is within the province of the Liquor Control Commission. Noyes v. Liquor Control Commission, 151 Conn. 524, 527, 200 A.2d 467 (1964). Accordingly, based upon the foregoing, we hereby suspend the Respondent's grocery beer liquor permit for three days, two of which will be held in abeyance for six months. If, during that abeyance period, there are no new similar allegations or incidents then

the Commission will take no further action on the remaining charges that are the subject of this decision.

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

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Elisa A. Nahas, Esq.  
Presiding Officer

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Angelo J. Faenza  
Commissioner

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Stephen R. Somma  
Commissioner

Parties:

Mujibar R. Ali, Permittee, Main Street Convenience, 199 Main Street, Stamford, CT 06901

Mujibar R. Ali, c/o Geoffrey Brander, Esq., Brandner & Ponzini, 24 Hoyt Street, Stamford, CT 06905

Nonparties:

John Suchy, Director, Liquor Control Division, Department of Consumer Protection

Connecticut Beverage Journal

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