

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

T&J Food Market  
Thomas G. Wenchell, Permittee  
T&J Food Markets, Inc., Backer  
Permit LGB.12423  
Docket No. 12-187

Case 2011-1136  
April 24, 2012

MEMORANDUM OF DECISION

This matter involves a grocery store beer permit issued to T&J Food Market, 875 High Street, East Haven, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on March 22, 2012. Donna Angeletti, the daughter of the permittee and an officer in the backer corporation, appeared on behalf of the Respondent.

It is alleged that on or about October 22, 2011, the Respondent (1) sold or delivered alcoholic liquor to a minor in violation of Section 30-86, Connecticut General Statutes and (2) failed to file its liquor permit with the East Haven Town Clerk in violation of Section 30-53 of the Connecticut General Statutes. The Respondent denied charge 1 and admitted charge 2, and the matter proceeded to a hearing.

The following facts are found based upon the evidence adduced at the hearing. On October 22, 2011, the Department of Consumer Protection's Liquor Control Division and the East Haven Police Department conducted underage drinking compliance checks in East Haven utilizing a female

undercover operative whose date of birth is November 29, 1993. She was 17 years of age at the time and thus a minor. At approximately 1:45 p.m., Special Agent Colla entered T&J Food Market and positioned himself in such a manner so as to have a clear and unobstructed view of the checkout area and any transaction. The undercover minor entered shortly after Special Agent Colla. She obtained six 12 oz. cans of Bud Light beer and approached the cashier. Conflicting testimony was offered by the undercover operative, Special Agent Colla and the cashier as to how the transaction occurred and whether any age identification was provided. However, it is undisputed that an underaged individual was able to purchase six 12 oz. cans of Bud Light beer at T&J Food Market on October 22, 2011.

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). The Liquor Control Act vests in the Commission a liberal discretionary power to determine 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).

Accordingly, based upon the substantial evidence and the Respondent's admission, we hereby find the Respondent to be in violation of both Charges. Accordingly, we hereby suspend the Respondent's grocery beer liquor permit for three days, all 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 charges that are the subject of this decision.

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION**

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Elisa A. Nahas, Esq.  
Designated Hearing Officer

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Angelo J. Faenza, Commissioner

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Stephen R. Somma, Commissioner

**Parties:**

Thomas G. Wenchell, Permittee, T&J Food Market, 875 High Street, East Haven, CT 06512

Donna Angeletti, T&J Food Market, 875 High Street, East Haven, CT 06512

**Nonparties:**

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

Connecticut Beverage Journal

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