

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Sohan Johnson, Applicant
M & J Investment LLC , Backer
Johnson Food Mart
Docket No. 15-595
Permit No. LGB.15012

Case No. 2015-882
September 29, 2015

MEMORANDUM OF DECISION

This matter involves an application for a grocery beer liquor permit for Johnson Food Mart, 1726 Fairfield Avenue, Bridgeport, Connecticut. A formal administrative hearing was held before the Liquor Control Commission on August 27, 2015. Sohan Johnson, 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 Sec. 30-6-A1(a) of the Regulations of Connecticut State Agencies concerning an alleged failure to provide documents and certifications. At the conclusion of the hearing the record was held open until September 10, 2015, to allow the applicant an opportunity to submit additional documents.

Based upon the evidence adduced at the hearing, the following facts are found. Liquor Control Kuria was assigned to investigate this new application. He visited the proposed location and reviewed the documents which were submitted as part of the application. Agent Kuria determined that the application was not complete; a number of required documents had not been submitted and some of the documents which were furnished were either incomplete or inaccurate. Agent

Kuria both spoke with and corresponded with Mr. Johnson concerning the deficiencies. Agent Kuria submitted a report of his findings and questioned whether or not the proposed location qualified to be granted a grocery beer permit.

On August 21, 2015, Supervising Agent Willard and Liquor Licensing Analyst Mindek made a follow-up field inspection, and Supervising Agent Willard prepared a report of his findings. He, too, questioned whether or not the proposed location qualified to be granted a grocery beer permit.


The proposed location is comprised of a gas station, food store and car wash. The gas station and car wash are operated by a separate limited liability company, Johnson Petroleum LLC, owned by Mr. Johnson, as is permissible. However, Mr. Johnson testified that the sales of cigarettes were attributed Johnson Petroleum LLC and not to M&J Investment LLC, in contravention of the department's written policy which Mr. Johnson was aware of, and that the July 2015 Breakdown of Sales form did not reflect sales of tobacco products.

At the conclusion of the hearing the record was left open for the applicant to submit a revised July 2015 Breakdown of Sales form and copies of his invoices for July 2015. The invoices submitted do not support the figures contained in the revised July Breakdown of Sales form. The vast majority of the items purchased were snack items such as chips, individual packages of cakes and cookies, energy drinks, sodas and water, the items which the agents observed during their inspections. Minimal purchases of canned and dry goods, coffee, spices, sugar, flour, cereals, and frozen foods were documented by the invoices. Further, the revised July 2015 Breakdown of Sales form disclosed \$2,602 in non-edible item sales (i.e.

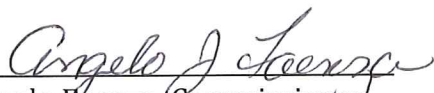
sales of tobacco, health and beauty aids, paper products, magazines, newspapers, etc.) yet Mr. Johnson submitted invoices for over \$2,500 in tobacco products alone for that month.

Based on the testimony and documents provided, we do not find that this store is "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 Sohan Johnson denied for failure to qualify with the requirements set forth in Sec. 30-20(c). However, we will STAY such denial until October 15, 2015, to afford the applicant an opportunity to submit a withdrawal of this application to this department. If no such withdrawal has been received by October 15, 2015, the application will be denied.

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY



Elisa A. Nahas, Esq.
Presiding Officer


Angelo Faenza, Commissioner
David A. Scribner, Commissioner

Parties:

Sohan Johnson, Applicant, 323 Hamilton Avenue, Greenwich, CT 06830

Non-Parties:

Director John Suchy, Liquor Control Division

Connecticut Beverage Journal

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