

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

El Mismo Primo #7
Leyvi Rodriguez, Permittee
676 Noble Ave., LLC, Backer
Permit No. LGB.14263

Case No. 2016-856

MEMORANDUM OF DECISION

This matter involves a grocery store beer permit issued to El Mismo Primo #7, 676 Noble Avenue, Bridgeport, Connecticut, Permittee Leyvi Rodriguez. A formal administrative hearing was held before the Department of Consumer Protection on March 23, 2017.

The allegations against El Mismo Primo #7 arose from a special investigation by the Department of Consumer Protection's Liquor Control Division and the Bridgeport Police Department. The alleged issues were sale to minor and drinking on premise. No issue was found with the sale of minor, however, there was found to be drinking of alcohol on the premise. The investigation resulted in the alleged violation of Sections 30-20(b) and 30-53 of the Connecticut General Statutes, and Sections 30-6-A-24(g), 30-6-A12 and 30-6-A40(i) of the Regulations of Connecticut State Agencies.

During the investigation, three people, including the store manager, were found to be in possession of beer in plastic cups. Additionally, the permit

had not been recorded, the permittee name sign was not posted, and no age statement forms were available.

Ms. Rodriguez appeared at the hearing. She stated she did not know about the drinking on premise incident until after it happened. She stated it will not happen again.

Based upon the evidence presented, we hereby find the Respondent guilty of violating the charges as alleged. We remind the Respondent that dispensing liquor is a privilege and not a right. Beckanstin v. Liquor Control Commission, 140 Conn. 185, 192, 99 A.2d 1191 (1953). Additionally, the Liquor Control Act grants the Liquor Control Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to fine, suspend or revoke the permit after a hearing. Balog v. Liquor Control Commission, 150 Conn. 473, 191 A.2d 20 (1963).

The Respondent shall pay a fine of \$375.00.

**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 13th day of April, 2017.



Jonathan A. Harris
Commissioner of Consumer Protection

Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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