

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

North Mart Package Store  
Wai K. Cheng, Permittee  
Cheng-Nu Enterprise LLC., Backer  
Permit No. LIP.13978  
Docket No. 2008- 1459

Case No. 2008-3151  
November 13, 2008

**MEMORANDUM OF DECISION**

This matter involves a package store liquor permit issued to North Mart Package Store, 2380 Dixwell Avenue, Hamden, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on November 4, 2008, at which time Robert Nunez, a member of the backer limited liability company, appeared.

It is alleged that on or about March 6, 2008, the Respondent (1) sold or delivered alcoholic liquor to a minor in violation of Section 30-86, Connecticut General Statutes; (2) violated Sec. 30-54 of the Connecticut General Statutes by failing to display his liquor permit in plain view; and (3) violated Sec. 30-6-A40(i) of the Regulations of Connecticut State Agencies by failing to post the prices for individual containers of beer. The Respondent denied Charge 1 and admitted Charges 2 and 3, and the matter proceeded to a hearing.

The following facts are found based upon the evidence adduced at the hearing: On March 6, 2008, liquor control agents observed James Conroy exit North Mart Package Store pushing a shopping cart

containing beer and a container of wine. Agents approached Mr. Conroy whose date of birth is August 30, 1988. He admitted that he was 19 years of age and presented his valid New Jersey license and a false New York license with his own photograph and name. The false driver's license contained a birth date of August 30, 1984, which represented him to be 23 years of age. On January 19, 2008, Mr. Conroy presented this New York driver's license to a clerk at North Mart Package Store who asked Mr. Conroy to complete and sign an age statement form; he signed the age statement form as James Conroy, attesting to his age as over 21 years old.

Section 30-86a, Connecticut General Statutes provides, in pertinent part:

(b) In any case where such a statement has been procured and the permittee is subsequently charged with serving or furnishing alcoholic beverages to a minor, if such permittee, in proceedings before any court of this state or the Department of Consumer Protection, introduces such statement in evidence and shows that the evidence presented to him to establish the age of the purchaser was such as would convince a reasonable man, no penalty shall be imposed on such permittee.

Based upon the testimony and circumstances presented, we find it reasonable for the Respondent to have acted as he did, in these particular circumstances, in accepting and relying upon the signed age statement form from Mr. Conroy. Therefore, we hereby dismiss the charge of Section 30-86, Connecticut General Statutes, sale to a minor, in view of the provisions of Section 30-86a(b), Connecticut General

Statutes. We find the Respondent in violation of Charges 2 and 3. He has since corrected the infractions since the March 6, 2008 inspection. We, therefore, impose a civil penalty of \$100 for those violations.

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

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Elisa A. Nahas, Esq.  
Presiding Officer

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Angelo Faenza, Commissioner

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Stephen Somma, Commissioner

Parties:

Wai K. Cheng, North Mart Package Store, 2380 Dixwell Avenue, Hamden, CT 06518  
(Via US Mail and Certified Mail 7007 1490 0000 0379 8551)

Non-parties:

John Suchy, Director, Liquor Control Division  
Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden, CT 06518  
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106