

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

El Mismo Primo
Leyvi Y. Rodriguez, Permittee and Backer
Permit No. LGB.14064
Docket No. 09-670

Case No. 2008-8521
June 30, 2009

MEMORANDUM OF DECISION

This matter involves a grocery store beer liquor permit issued to El Mismo Primo, 609 Fairfield Avenue, Bridgeport, Connecticut. After due and proper notice, a formal administrative hearing was held before the Department of Consumer Protection on June 18, 2009, at which time no one appeared on behalf of the Respondent.

The alleged violation came to the attention of the Department of Consumer Protection by way of a police referral from the Bridgeport Police Department. It is alleged that on or about August 13, 2008, the Respondent violated Sec. 30-91(d) of the Connecticut General Statutes by selling alcoholic liquor during prohibited hours.

The following facts are found based upon the evidence adduced at the hearing. On Wednesday, August 13, 2008, at 11:06 p.m., Parole Officer Nunez entered El Mismo Primo in an undercover capacity as part of a Bridgeport police operation. Parole Officer Nunez asked the female sales clerk for a Heineken beer. Upon her request, a male employee went to the back of the store and returned with a 12 oz. bottle of Heineken beer. The female clerk sold the Heineken beer to Parole Officer Nunez for \$2.00. Parole Officer Nunez thereupon exited the store with the beer he had just purchased. Section 30-

91(d) provides that the sale of beer at this location is prohibited after 9:00 p.m., and this transaction was more than two hours beyond the legal hours of sale.

Based upon the testimony and documents submitted at the hearing, we find the Respondent to be in violation of Section 30-91(d), Connecticut General Statutes, as alleged. The Liquor Control Act vests in the Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit, after a hearing, if it deems appropriate. Dadiskos v. Liquor Control Commission, 150 Conn. 425, 190 A.2d 490 (1963). Accordingly, we hereby suspend El Mismo Primo's grocery store beer liquor permit for a period of seven (7) days.

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY:

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Leyvi Y. Rodriguez, Permittee, El Mismo Primo, 609 Fairfield Avenue,
Bridgeport, CT 06604
Leyvi Y. Rodriguez, 235 Pennsylvania Avenue, Bridgeport, CT 06610

Non-Parties:

Director John Suchy, 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