

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Mohammad Ashraf, Applicant
Mohammad Ashraf LLC , Backer
New DP Mart
Docket No. 15-280
Permit No. LGB.14972

Case No. 2014-928
May 14, 2015

MEMORANDUM OF DECISION

This matter involves an application for a grocery beer liquor permit for New DP Mart, 1183 New Haven Road, Naugatuck, Connecticut. A formal administrative hearing was held before the Liquor Control Commission on February 19, 2015. Mohammad Ashraf, applicant and a member of the backer limited liability company, appeared with his accountant, Ronald Foley. 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". At the conclusion of the hearing the record was held open for two weeks to allow the applicant an opportunity to submit additional Breakdown of Sales forms. This submission period was subsequently extended until April 15, 2015. No additional documents have been received from the applicant.

Based upon the evidence adduced at the hearing, the following facts are found. Liquor Control Kula was assigned to investigate this new application. He reviewed the application itself and found it to be in order. He visited the proposed location on two occasions as part of his new application investigation.

Agent Kula initially visited the proposed premises on May 22, 2014. He observed that it offered a limited amount of grocery items for sale. He observed considerable cigarettes and smoking items, sunglasses, a coffee counter. He was concerned that the inventory in the store did not coincide with the figures submitted on the Breakdown of Sales form. Further, the Breakdown of Sales form reflected beer sales and this location did not have a provisional permit. He was concerned that it was not a bona fide grocery store.

Agent Kula returned to the store in August 2014 after receiving the new Breakdown of Sales forms for May, June and July, 2014. Little had changed from his May inspection. The Breakdown of Sales numbers appeared to be highly inflated and did not reflect the stock on hand.

He requested and received copies of invoices for May and June, 2014 and compared them line-by-line with the breakdown of sales forms with respect to purchases of grocery items, cigarettes, tobacco and candy. The grocery items on the invoices were a fraction of the figures presented on the Breakdown of Sales Forms. Agent Kula continued questioned the validity of the figures and continued to be of the opinion that the premises did not qualify to hold a grocery beer permit.

The applicant had held a grocery permit before; however, he lost his lease for that location and proceeded to build this new store in a strip mall where there are no nearby grocery stores.

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 Mohammad Ashraf denied for failure to qualify with the requirements set forth in Sec. 30-20(c). However, we will STAY such denial until June 1, 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 June 1, 2015, the application will be denied.

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION

BY



Elisa A. Nahas, Esq.
Presiding Officer



David A. Scribner, Commissioner

Parties:

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Non-Parties:

Director John Suchy, Liquor Control Division
Connecticut Beverage Journal
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106