**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Mike's Package Store
Cerda Enterprises LLC, Backer
Miguel Antonio Cerda, Permittee
Permit No. LIP.12614 Case No. 2015-973
Docket No. 2016-32 January 21, 2016

**MEMORANDUM OF DECISION**

This matter involves a package store liquor permit issued to Mike's Package Store, 748 Boston Post Road, Milford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 14, 2016. Miguel A. Cerda, permittee and member of the backer limited liability company, appeared at the hearing.

The allegation against the permit premises arose from a special investigation conducted by the Department of Consumer Protection's Liquor Control Division. It is alleged that on or about September 25, 2015, the Respondent violated: (1) Section 30-86(b) of the Connecticut General Statutes in that it sold or delivered alcoholic liquor to four minors; (2) Section 30-6-A12 of the Regulations of Connecticut State Agencies by failing to post the permittee's name on a sign adjacent to the main entrance; (3) Section 30-6-A24(g) of the Regulations of Connecticut State Agencies by failing to have age statement forms available, and (4) Section 30-6-A40(i) of the Regulations of Connecticut State Agencies by not posting the retail prices of all of the malt beverages in the beer coolers and on the floor displays. The respondent denied violating Section 30-86(b) and admitted violating Section 30-6-

A12, Section 30-6-A24(g) and Section 30-6-A40(i), and the matter proceeded to a hearing.

The following facts are found based upon the evidence and direct testimony submitted at the hearing. On September 25, 2015, liquor control agents conducted a special investigation at Mike's Package Store. They were assisted by Milford police officers. The investigation was the result of a complaint lodged with the department that this location was "notorious for selling to minors."

On September 25, 2015, liquor control agents conducted surveillance at Mike's Package Store. They had a clear and unobstructed view of the front door. At approximately 7:43 p.m., the agents observed a young-looking male enter Mike's Package Store empty handed. He exited a short time later carrying a bag. Bradley E. Orban whose date of birth is May 2, 1996, had purchased a 1.75 liter bottle of New Amsterdam Peach Vodka from the only employee visible in the store. Mr. Orban was 19 years of age. He was not asked to show any age identification prior to his purchase of the alcohol nor was he asked to sign an age statement form.

At approximately 8:00 p.m., two vehicles entered the parking lot. An individual later identified as Raihan Ahmed whose date of birth is December 5, 1994, exited one of the vehicles and entered the store empty handed. He exited the store carrying a brown paper bag. Mr. Ahmed had purchased a bottle of Heineken beer and a bottle of Corona beer from the clerk who he knew to be the owner of the business. Mr. Ahmed was 20 years of age. He was not asked to show any age identification prior to purchasing the alcohol nor was he asked to sign an age statement form.

Two male occupants of the second car entered the package store. When they exited, the passenger was carrying a 12-pack of Shock Top Belgian Ale bottles. The passenger was Phillip J. Centore whose date of birth is January 18, 1995. Mr. Centore, age 20, had purchased the beer without being asked for age identification or without signing an age statement form. Mr. Centore had purchased the alcohol from the sole male clerk in the store.

While Mr. Ahmed was being interviewed by liquor control agents, another car entered the parking lot. The driver entered the package store empty handed and exited moments later carrying a 5-liter box of Vella Chardonnay wine. He was Steven E. Seifert, whose date of birth is October 13, 1996, making him 18 years of age. He had purchased the wine without being asked for age identification or without signing an age statement form.

After the liquor control agents had completed their interviews of the minors, they entered the store and conducted a general inspection. No age statement forms were available on the premises, and the permittee's name had not been posted on a sign adjacent to the entrance. Not all of the retail prices of the malt beverages in the beer coolers and on the floor displays were posted, as is required by the Regulation.

The sole clerk inside the store was the permittee, Miguel Antonio Cerda, who had sold the alcohol to Messrs. Orban, Centore, Ahmed and Seifert. These sales all took place within an approximate 35-minute time period.

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). Accordingly, we find the Respondent to be in violation of Section 30-86(b), Connecticut General Statutes, in four counts, as well as the remaining charges. The Liquor Control Act vests in the Commission a liberal discretionary power to determine factual matters with regard to liquor permits. Gulia v. Liquor Control Commission, 164 Conn. 537, 325 A.2d 455 (1973). Based upon the foregoing, we hereby suspend the Respondent's package store liquor permit for twenty (20) days, thirteen (13) of which will be held in abeyance for six months from the date of this decision, and for an additional six (6) days. In lieu of the additional six days' suspension, however, we will accept payment of a fine of $475 in accordance with Section 30-6-A8(i) and (k) of the Regulations of Connecticut State Agencies.

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

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

David A. Scribner, Commissioner

Parties:
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Non-Parties:
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