

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Rainbow News and Variety
Delowar Chowdhury, Permittee
Rainbow News and Variety 1, LLC, Backer
Permit No. LGB.14183
Docket No. 2013-453

Case No. 2013-32
August 8, 2013

MEMORANDUM OF DECISION

This matter involves a grocery store beer liquor permit issued to Rainbow News and Variety, 205 Main Street, Norwalk, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on July 11, 2013. Delowar Chowdhury, permittee, appeared at the hearing.

The allegations 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 January 25, 2013, the respondent violated: (1) Sec. 30-20(c) of the Connecticut General Statutes; (2) Sec. 30-6-A24(g) of the Regulations of Connecticut State Agencies; (3) Sec. 30-6-A12 of the Regulations of Connecticut State Agencies; (4) Sec. 30-53 of the Connecticut General Statutes; (5) Sec. 30-6-A40(i) of the Regulations of Connecticut State Agencies; (6) Sec. 30-64 of the Connecticut General Statutes; and, (7) Sec. 30-6-A27(d) of the Regulations of Connecticut State Agencies. The respondent denied charge 1 and admitted the remaining charges, and the matter proceeded to a hearing.

The following facts are found based upon the evidence adduced at the hearing.

In response to an audit conducted by the Department of Revenue Services, Liquor Control Agent Laflamme conducted a general inspection at the permit premises on January 25, 2013. No age statement forms were available at the premises nor was a permittee name sign posted adjacent to the main entrance. The liquor permit had not been filed with the Norwalk Town Clerk and a sign listing the retail prices of all malt beverages was not posted anywhere on the permit premises. The liquor permit was neither in a frame nor hung in plain view and the liquor invoices were not being maintained on the premises. Since the inspection, Mr. Chowdhury has corrected all of these violations.

Mr. Chowdhury provided the department with Breakdown of Sales forms for the period January 28-February 28, 2013, and May 1-May 31, 2013. Based upon the testimony and documents submitted at the hearing, we find that Mr. Chowdhury has substantially increased his sales of edible items since the Department of Revenue Services' audit and therefore meets the statutory requirements to continue to hold a grocery beer liquor permit. Charge 1 is dismissed.

Based upon the testimony and the respondent's admissions, we find him in violation of the remaining charges as alleged. 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 grocery store beer permit for a period of 3 days. However, in lieu of such 3-day suspension, we will accept payment of a fine of \$225 in accordance with Section 30-6-A8(i) and (k) of the Regulations of Connecticut State Agencies.

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Delowar Chowdhury, Permittee, Rainbow News and Variety, 205 Main Street,
Norwalk, CT 06851
(Via US Mail and Certified Mail # 7011 2000 0001 0653 4620)
Delowar Chowdhury, 54 Magnolia Avenue, Norwalk, CT 06850

Non-Parties:

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