

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Route 66 Package Store
Tushar K. Shah, Permittee
Route 66 Package Store, LLC, Backer
Permit #LIP.14077

Case No. 2007-5170
Docket No. 08-441
May 15, 2008

MEMORANDUM OF DECISION

This matter involves a package store liquor permit issued to Route 66 Package Store, 193 East High Street, East Hampton, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on February 14, 2008, at which time Tushar K. Shah, Permittee, appeared.

The alleged violations arose from a special investigation conducted by the Department of Consumer Protection's Liquor Control Division. It is alleged that on or about May 19, 2007, the Respondent sold or delivered alcoholic liquor to a minor in violation of Section 30-86, Connecticut General Statutes. The Respondent admitted the charge and the matter proceeded to a hearing.

The following facts are found based upon the evidence adduced at the hearing. On May 19, 2007, Liquor Control Agent Walleth observed an individual later identified as Ryan Soulsby enter the premises. He exited a few minutes later after purchasing a 6-pack of Twisted Tea, an alcoholic beverage, as well as a bottle of Smirnoff vodka and a bottle of Tanqueray gin. Mr. Soulsby's date of birth is May 11, 1988; he was 19 years old at the time and a minor. Mr. Soulsby

had purchased alcohol at this location on a regular basis for the past four to six months, and on prior occasions he had presented a Rhode Island license showing he was of legal age to purchase alcohol. A subpoena was issued to compel Mr. Soulsby's attendance at this hearing and served upon his father; however, Mr. Soulsby did not attend the hearing.

Based upon the substantial evidence adduced at the hearing and the Respondent's admission, we hereby find the Respondent in violation of the charged 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 circumstances of this case, we hereby suspend the Respondent's grocery beer permit for a period of three days and for an additional ten days. In lieu of the additional 10-day suspension, however, we will accept payment of a fine of \$750 in accordance with Sections 30-6-A8(i) and (k) of the Regulations of Connecticut State Agencies. However, two days of such suspension shall be held in abeyance until May 15, 2009 unless the Respondent violates Connecticut General Statutes, Sec. 30-86 during that period of time.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

Elisa A. Nahas, Esq.
Presiding Officer

Gary Berner, Commissioner

Parties:

Tushar K. Shah, Permittee, Route 66 Package Store, 193 East High Street, East Hampton, CT 06424

Nonparties:

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