

**STATE OF CONNECTICUT  
DEPARTMENT OF CONSUMER PROTECTION**

**NOTICE AND PARTICULARS**

By Certified Mail and Email: Certified Mail No. 7022 0410 0000 2323 3380 (c/o Corporation Service Company, registered agent for backer Capjon, Inc, Goodwin Square, 225 Asylum Street, 20<sup>th</sup> Floor, Hartford, CT 06103); Certified Mail No. 7022 0410 0000 2323 3359 (to John Caplan, 12 Maple Street, Weston, CT, 06883); [Jcaplan@grapeswine.com](mailto:Jcaplan@grapeswine.com)

*In the matter of:*

John Caplan, Permittee  
Grapes  
10 Cross St.  
Norwalk, CT 06851

Permit No. LIP.12659  
Case No. 2020-256  
Backer: Capjon, Inc.

PURSUANT TO CONN. GEN. STAT. § 30-43 AS AMENDED:

Pursuant to Chapter 545 generally and specifically Section 30-55 of the Connecticut General Statutes as amended, you and a member of the backer limited liability company are hereby summoned to appear before the Department of Consumer Protection of the State of Connecticut, on the **1st day of August 2024 at 9:30 a.m.**, remotely through Microsoft Teams, then and there to answer to the complaint and charges of said Division, the particulars of which are as follows:

**Incident 1. August 26, 2021**

**Charge 1. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee participation.** The Department has reasonable cause to believe that as of August 26, 2021, you appeared to be financially irresponsible or neglects or is unable to pay his just debts; consequently, your permit should revoked pursuant to Section 30-47(a)(1) of the Connecticut General Statutes.

**AS MORE PARTICULARLY SET FORTH:**

In August of 2021, you owed \$128,000.00 in past due bills to various Connecticut wholesalers, \$86,000.00 to various New York wholesalers, and unpaid taxes to the State of New York.

**Charge 2. Restrictions on sales and purchases (68 counts).** On or about August 26, 2021, you violated Sec. 30-6-A41 of the Regulations of Connecticut State Agencies which

provides that (a) No permittee shall solicit or take from or give orders for alcoholic liquor to, or buy or receive from or sell or deliver alcoholic liquor to, any person or business entity with whom his permit does not empower him to deal. No permittee shall allow the use of his permit so as to aid or abet the commission of such transactions. The permit of any permittee violating the provisions of this regulation shall be liable to suspension or revocation.

**Charge 3. Purchase for resale (68 counts).** On or about August 26, 2021, you violated Sec. 30-76 of the Connecticut General Statutes which provides that no person holding a permit for the retail sale of alcoholic liquor shall purchase for resale alcoholic liquor except from a person holding a permit under the provisions of sections 30-16 and 30-17.

**AS MORE PARTICULARLY SET FORTH:**

On August 26, 2021, you admitted that sixty-eight bottles of wine found in the lockable storage of your permit premises during a liquor control inspection were not purchased from Connecticut wholesalers but from New York wholesalers.

**Charge 4. Package store.** On or about August 26, 2021, you violated Sec. 30-20(a) of the Connecticut General Statutes, which, at that time, provided that a package store permit shall allow the retail sale of alcoholic liquor not to be consumer on the premises, such sales to be made only in sealed bottles or other containers....A package store permit shall also allow the taking and transmitting of orders for delivery of such merchandise in other states.

**AS MORE PARTICULARLY SET FORTH:**

On August 26, 2021, you admitted during a liquor control inspection, when asked for your sales records, that there were no sales made at the permit premises and that all of your sales were made online. Additionally, there was no liquor or beer for sale, and the wine that was available for purchase – though no customers visited the store during the inspection – was extremely limited. In short, your permit premises was not being operated as a bona fide package store.

**Charge 5. Age statement forms.** On or about August 26, 2021, you violated Sec. 30-6-A24(g) of the Regulations of Connecticut State Agencies which provides that age statement forms as required by section 30-86a of the Connecticut General Statutes must be obtained and a supply kept available on the premises.

**AS MORE PARTICULARLY SET FORTH:**

On August 26, 2021, you admitted during a liquor control inspection that you did not have a supply of age statement forms kept on your premises

**Incident 2. May 23, 2023.**

**Charge 6. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee**

**participation.** The Department has reasonable cause to believe that as of May 23, 2023, you were not delegated full authority and control of the permit premises and of the conduct of all business on such premises; consequently, your permit should be revoked pursuant to Section 30-47(a)(6) of the Connecticut General Statutes.

**Charge 7. Return of permits: reinstatement.** On or about May 23, 2023, you violated Sec. 30-6-A6 of the Regulations of the Connecticut State Agencies which provides that a permit shall be returned immediately to the Department upon any change of ownership at a premises or upon the discontinuance of business for any reason for more than sixty days.

**AS MORE PARTICULARLY SET FORTH:**

On May 23, 2023, Capjon, Inc., the backer of the permit premises, was administratively dissolved as legal entity. As a result, you and your backer did not have full authority and control of the permit premises and of the conduct of all the business on the premises. Additionally, you failed to return your permit to the Department upon the dissolution of the backer.

**Incident 3. October 23, 2023.**

**Charge 8. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee participation (2 counts).** The Department has reasonable cause to believe that on or about October 23, 2023, you wilfully made two false statements to the department in a material permit; consequently, your permit should be revoked pursuant to Section 30-47(a)(4) of the Connecticut General Statutes.

**AS MORE PARTICULARLY SET FORTH:**

On or about October 23, 2023, you submitted a renewal application for your permit. When asked whether the ownership of the business has changed, you answered “No”, despite the fact that Capjon, Inc. no longer existed as a legal entity. Additionally, you attested that all of the information contained in your renewal application was true.

**Incident 4. October 24, 2023.**

**Charge 9. Discretionary suspension, revocation or refusal of permit; location or character of premises; other grounds.** The Department of Consumer Protection has reasonable cause to believe that on October 24, 2023, your backer no longer had a right to occupy the permit premises; consequently, your permit should be revoked pursuant to Section 30-46(a)(5) of the Connecticut General Statutes.

**AS MORE PARTICULARLY SET FORTH:**

On October 24, 2023, the Connecticut Superior Court issued an order evicting your backer from the permit premises. Liquor control agents visited 10 Cross Street on January 11, 2024,

and observed that the premises had been vacated and that a lease sign was hung in the window.

**Incident 5. Various dates from August 26, 2021 to October 24, 2023.**

**Charge 10. Permittee Strictly Accountable.** On various dates from August 26, 2021 to October 24, 2023, you violated Sec. 30-6-A24(f) of the Regulations of Connecticut State Agencies which provides that a permittee shall be held strictly accountable for the conduct of his permit premises.

**As more particularly set forth:**

You are responsible for the violations occurring from August 26, 2021 through to October 24, 2023.

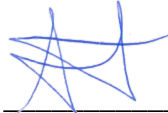
PLEASE BE ADVISED THAT YOU WILL BE EXPECTED TO APPEAR WHEN YOUR HEARING IS CALLED BY THE COMMISSION. FAILURE TO APPEAR AT THE DESIGNATED TIME MAY RESULT IN A DEFAULT. YOU WILL BE REQUIRED TO SHOW CAUSE, IF THERE BE ANY, WHY YOUR LIQUOR PERMIT SHOULD NOT BE REVOKED OR SUSPENDED OR ANY OTHER AUTHORIZED PENALTY IMPOSED ON YOU.

This matter is being set down for a formal hearing following a compliance meeting held on June 30, 2024, by decision by the full Commission.

If you have any questions, please contact Scott Madeo of the Department of Consumer Protection's Legal Division by email [scott.madeo@ct.gov](mailto:scott.madeo@ct.gov)

Dated this 11th day of July 2024.

STATE OF CONNECTICUT  
DEPARTMENT OF CONSUMER PROTECTION



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Scott P. Madeo  
Staff Attorney  
Legal Division