

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Milton's Restaurant
Miguel Espinoza, Permittee
Milton's Restaurant, LLC, Backer
Permit No. LCA.6773

Case No. 2007-8761

Docket No. 09-320

March ---, 2008

MEMORANDUM OF DECISION

This matter involves a café liquor permit issued to Milton's Restaurant, 764 East Main Street, Branford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 22, 2009, at which time Eddie Torres, the manager, and Johnny Gonzalez, an employee, appeared on behalf of Miguel Espinoza, who had delegated authority to Messrs. Torres and Gonzales to represent him in this proceeding.

The alleged violation came to the attention of the Department of Consumer Protection by way of a police referral from the Branford Police Department. It is alleged that on or about November 4, 2007, the Respondent violated (1) Sec. 30-91(a) of the Connecticut General Statutes by dispensing or permitting the consumption of alcohol during unlawful hours and (2) Sec. 30-91(e) of the Connecticut General Statutes by permitting the premises to be occupied by the public during prohibited. The respondent denied the allegations and the matter proceeded to a hearing.

The following facts are found based upon the evidence adduced at the hearing. On Sunday morning, November 4, 2007, at approximately 1:59 a.m.

Daylight Savings Time, Branford police officers responded to a noise complaint at Milton's Restaurant. On November 4, 2007, Daylight Savings Time ended at 1:59 a.m., and Eastern Standard Time began at 2:00 a.m.; all clocks were to be turned back one hour. A private party was taking place at the premises. The officers spoke with the manager, Eddie Torres, and informed Mr. Torres that he must stop serving alcohol at that time.

Approximately 90 minutes later, at approximately 1:30 a.m. Eastern Standard Time, officers returned to Milton's Restaurant. Two bartenders were behind the bar. A number of patrons were still inside the premises. Beer and wine glasses were evident.

Sec. 30-6-A21 of the Regulations of Connecticut State Agencies provides that:

Whenever hours of time are set forth in the Liquor Control Act they shall be interpreted to mean clock time which shall be either eastern standard time or eastern daylight time, whichever one is then being observed. When eastern daylight time ends on a Sunday morning at two a.m. and clocks are turned back to one a.m. eastern standard time, no further sales, consumption or presence in glasses of alcoholic beverages shall be permitted.

The Liquor Control Act vests in the Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit, after a hearing, if it deems appropriate. Dadiskos v. Liquor Control Commission, 150 Conn. 425, 190 A.2d 490 (1963). Based upon the testimony and documents submitted at the hearing, we find the Respondent to be in violation of Charges # 1 and 2. Accordingly, we hereby suspend Milton's Restaurant's café liquor permit for a period of five (5) days.

In lieu of the 5-day suspension, however we will accept payment of a fine of \$375, in accordance with Sections 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

Stephen R. Somma, Commissioner

Parties:

Non-Parties:

Director John Suchy, 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