

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Blue Sky  
Emanuel Tzorzakis, Applicant  
The Greek Club, Inc. Backer  
Liquor Permit No. LPC.272  
Docket No. 2008-1727

December 2, 2008

MEMORANDUM OF DECISION

This matter involves a new application for a nonprofit club liquor permit for Blue Sky, 141 Main St., Norwalk, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on October 7, 2008, at which time Emanuel Tzorzakis, the applicant and an officer of the backer corporation, appeared with counsel. The hearing was held in accordance with Section 30-39(c), Connecticut General Statutes as the result of two valid remonstrances, and questioned the suitability of person and/or place. Remonstrants appeared at the hearing and testified in opposition to the granting of the liquor permit application.

Based upon the evidence adduced at the hearing, we find the following facts: Liquor Control Agent Joseph Raia conducted a thorough investigation in connection with the application, the applicant's and backers' backgrounds, and the two remonstrances filed in opposition to the application. As part of his new application and remonstrance

investigation, Agent Raia did an on-site inspection. The proposed location has zoning approval and qualifies for a nonprofit club permit. It is in a mixed use zone, and there are businesses as well as residences in the area. The Church of the Nazarene is approximately 200 feet away from the proposed premises, Tracey Elementary School is approximately 1/8 mile away, and there are six other club liquor permits in Norwalk. The club occupies the first floor of a two story building, and apartments occupy the second floor. For approximately four years, the Greek Club has been operating without a liquor permit under the same ownership, under a system whereby it was asserted by the applicant that members would bring in their own alcohol. Over those years, there have been several police incidents and complaints concerning liquor violations. In that time, there were three occasions in which the Norwalk Police Department conducted police investigations alleging that the club was selling alcohol without a liquor permit. Norwalk Police Chief Rilling testified in opposition to the granting of the liquor permit to this applicant and backer based upon the Police Department's experience.

Specifically, on October 12, 2005, arrests were made of the bartender and Mr. Tzortzakis, identified as the owner, for disposing of liquor without a permit and sales of alcohol without a liquor permit. The police reports stated that on that date, an undercover police officer entered the Blue Sky and sat at the consumer bar. The officer observed numerous bottles of alcoholic liquor with pourer spouts on the back bar

and coolers filled with beer. The officer asked the bartender on duty for a vodka drink and was charged seven dollars (\$7.00) for the drink. The police report noted that there was a sign visible on the premises stating "No Tabs after 8PM Fridays and Saturdays". On that date, Mr. Tzortzakis stated that he had applied for a liquor permit but had not yet received it.

On April 1, 2007, the Norwalk Police conducted an investigation into the illegal sale of alcoholic liquor at the Blue Sky. According to the police reports, officers observed a large crowd within the premises, and later determined that there were thirty-six (36) persons under the age of 21 years old in the premises. The report indicated that there were signs posted by the two cash registers listing the cost of various alcoholic drinks, for instance, \$7.00 for Grey Goose, \$7.00 for Belvedere, \$7.00 for Chivas. The report indicated that there was a sign posted "No Bar Tabs after 10pm, Fri-Sat".

On June 19, 2007, the Norwalk Police conducted an investigation into the illegal sale of alcoholic at the Blue Sky. The police report indicated that an undercover police officer entered the premises, bought an alcoholic drink with city funds from a bartender of the Blue Sky. The police report indicated that the same undercover police officer purchased an alcoholic liquor drink from the same bartender the week before at the Blue Sky. As a result of the investigation conducted by the

police on that date, the bartender was arrested for dispensing liquor without a permit.

At the hearing, the applicant was asked to expand upon the facts recited in the October 12, 2005, April 1, 2007 and June 19, 2007 Incident Reports, in order to provide an explanation to the Liquor Control Commission. In response, Mr. Tzortzakis simply offered the fact that the three incidents resulted in one conviction of breach of the peace. Nonetheless, we find that the testimony of Chief Rilling and the statements of the police officers contained within those police reports are reliable and credible. The determination of factual issue is within the province of the commission, Noyes v. Liquor Control Commission, 151 Conn. 524, 527, 200 A.2d 467 (1964). 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).

A liquor permit is a privilege and not a right. Based upon the foregoing, this is not a right which we believe should be conferred upon the applicant. The determination of factual matters with regard to the suitability of an applicant or the location of proposed liquor permit premises is vested with the Liquor Control Commission. Crescimanni v. Department of Liquor Control, 41 Conn. App. 83, 674 A.2d 851 (1996).

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION**

BY:

---

Elisa A. Nahas, Esq.  
Presiding Officer

---

Angelo J. Faenza, Commissioner

---

Steve Somma, Commissioner

Parties:

Emanuel Tzorakis, Applicant, 31 Carlin Street, Norwalk, CT 06851

(Via US Mail and Certified Mail # 7008 1300 0001 1619 4810)

Emanuel Tzorakis c/o Brian Silver, Esq., Silver and Silver, One Liberty Square, New Britain, CT 06051

Lt. Peter Randall, Agent for Remonstrants, Norwalk Police Department, One Monroe Street, Norwalk, CT 06854

(Via US Mail and Certified Mail # 7008 1300 0001 1619 8434)

Joseph Ulatowski, Agent for Remonstrants, 142 Main Street, Unit 1, Norwalk CT 06851

(Via US Mail and Certified Mail # 7008 1300 0001 1619 4827)

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106

Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden, CT 06518