

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Bronson Grocery
Baudilio Medina, Applicant
Baudilio Medina, Backer
Liquor Permit LGB.14247
Docket No. 08-1730

Case No. 2008-9611
December 4, 2008

MEMORANDUM OF DECISION

This matter involves an application for a grocery beer liquor permit for Bronson Grocery, 19 Bronson Street, Waterbury, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on December 2, 2008. Baudilio Medina, applicant and sole owner, appeared with counsel. The hearing was held in accordance with Section 30-39(c), Connecticut General Statutes, as a result of a legally sufficient remonstrance questioning the suitability of the proposed place of business. Remonstrants appeared to oppose the granting of this permit.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Wilson reviewed the pending application and found it to be in order. She conducted a new application investigation which included on-site inspections as well as a remonstrance investigation, and she prepared detailed reports of her findings. She visited the proposed location approximately six times. The proposed premises is a small neighborhood grocery store which is well

stocked with grocery items. During Agent Wilson's visits to the store, she observed sales of grocery items. She did not observe any loitering in front of the store. While the store is located in a primarily residential area, a grocery beer permit has existed at this location, on and off, since approximately 1938. There is local zoning approval for the liquor permit application. Agent Wilson requested and received from the Waterbury Police Department copies of incident reports for 19 Bronson Street. Most of the reports dated from the period prior to this applicant's purchase of the business; a few of the reports detailed police response to calls made by employees of this location seeking help in addressing loitering concerns. Agent Wilson found nothing questionable about this application, with regard to the applicant or the location.

Agent Wilson spoke to the agent for the remonstrants, Fanny Marone, who expressed concern about loitering in front of the store. She was also concerned that the premises would be a bad influence on the neighborhood, particularly since there is a rehab facility around the corner and other liquor outlets within walking distance. Other remonstrants expressed similar quality of life concerns. We note that grocery store beer permit applications are not subject to the factors set forth in Section 30-46(a), Connecticut General Statutes, concerning possible detrimental neighborhood effects.

Ms. Marone is active in the Crownbrook Neighborhood Association which is working to strengthen the neighborhood in which the proposed

premises is located. Mr. Medina expressed his intention to work with the group with the goal of improving the surrounding area.

It is well settled that the determination of whether a proposed location is suitable for a liquor permit rests with the Liquor Control Commission. Williams v. Liquor Control Commission, 175 Conn. 409, 399 A.2d 834 (1978).

Accordingly, we hereby deny the remonstrance and grant the final grocery beer liquor permit to Baudilio Medina and Bronson Grocery, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
BY**

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Fanny Marone, Agent for Remonstrants, Fanny Marone Realty, LLC, 38 Summer Street, Waterbury, CT 06704
(Via Us Mail and Certified Mail # 7007 1490 0000 0379 8209)
Baudilio Medina c/o Alexander Aponte, Esq., 609 Farmington Avenue, Suite 202, Hartford, CT 06105

Nonparties:

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