

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Zoila Perez, Permittee

Zoila Perez, Backer

Liquor Permit No. LIP.14193P

Case No. 2008-3150

Docket No. 08-692

July 1, 2008

MEMORANDUM OF DECISION

This matter involves an application for a grocery beer liquor permit for Long Hill Grocery, 51 Long Hill Road, Waterbury, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on June 26, 2008. Zoila Perez, applicant and permittee, appeared with Enrique Santiago, the proposed substitute permittee, and 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. This premises has been operating under the auspices of a provisional permit since May 2, 2008.

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. The store is a neighborhood grocery store located on the first floor of a multi-family building. A liquor permit has been in existence at this location since 1952 and the interior access has previously been approved by the department. Agent Wilson found nothing questionable about the location; a substitute permittee is required, the application for Enrique Santiago Perez has been submitted and is pending. Agent Wilson visited the proposed premises on six or

seven occasions and on those occasions, did not observe individuals loitering outside the store.

Agent Wilson also investigated the remonstrance. She spoke with the agent for the remonstrants, Audrey Harrell, as well as the zoning officer, Dennis Brown. After speaking with Agent Wilson, Mr. Brown made an unannounced visit to the location. He had no concerns about the issuance of a grocery beer permit for this location. The zoning officer has approved this application. Police officials reviewed calls for service and stated there had not been any increase in crime at the location since 2006. There is a school bus stop at the corner of Long Hill Road and Sumac Street, approximately 1/10 mile distant from the proposed location. Agent Wilson did observe litter across the street from Long Hill Grocery on property which is not owned by the applicant. Agent Wilson did not observe beer cans among the litter. Agent Wilson has received no complaints of unlawful activity at the premises since the issuance of the provisional permit.

The agent for the remonstrants, Audrey Harrell, expressed concerns about the adverse effect a liquor selling outlet might have on the character of the neighborhood and on local children. She felt there is inadequate parking at this location and litter cast aside by patrons exiting the premises. Another remonstrant echoed Ms. Harrell's concerns about litter, inadequacy of parking, and safety concerns for patrons crossing Long Hill Road. At the hearing, the applicant stated that she takes steps to make sure her customers do not loiter in the area but instead leave after making their purchases. She has placed a trash can outside her store for use by customers in an effort to limit the litter. At the

conclusion of the hearing, the parties expressed their intentions to work together as it would be mutually beneficial to the neighborhood residents as well as the applicant.

Based upon the testimony and documents presented, we cannot find substantial evidence which would cause us to deny Ms. Perez's pending grocery store beer liquor application. 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 grant the final grocery beer liquor permit to Zoila Perez and Long Hill Grocery, subject to the agent's final requirements and deny the remonstrance.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

Elisa A. Nahas, Esq.
Designated Hearing Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Concerned Citizens of Waterbury, 55 Benefit Street, P.O. Box 4262, Waterbury
CT 06704

(Via US Mail and Certified Mail # 7007 2680 0000 7472 3900)

Audrey Harrell, P.O. Box 4262, Waterbury, CT 06704

(Via US Mail and Certified Mail # 7007 2680 0000 7472 3986)

Zoila Perez, c/o Alexander Aponte, Esq., 609 Farmington Avenue, Suite 202,
Hartford, CT 06105

(Via US Mail and Certified Mail # 7007 2680 0000 7472 3917)

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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