

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Devin's Lounge

Christopher R. Taylor, Applicant

C. R. Taylor Enterprises, LLC, Backer

Liquor Permit No. LCA.7069

Docket No. 09-905

Case No. 2009-2643

October 8, 2009

MEMORANDUM OF DECISION

This matter involves an application for a café liquor permit for Devin's Lounge, 424 Newhall Street, Hamden, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on August 25, 2009. Christopher R. Taylor, applicant and sole member of the backer limited liability company, appeared with his wife, Toni Marie Bettes-Taylor. 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

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Driffin reviewed the pending application and found it to be in order. She conducted a new application investigation which included an on-site inspection as well as a remonstrance investigation and she prepared detailed reports of her findings. There is proper zoning approval. The premises meets the requirements for a café liquor permit. Agent Driffin facilitated a meeting between Mr. Taylor and the remonstrants in an effort to foster communication.

While a liquor permit has been located at 424 Newhall Street since 1936, the building is currently vacant and has been undergoing renovation by the applicant. The proposed premises is in an area which is primarily residential. Christian Tabernacle Church is located approximately 45 feet across Newhall Street, and a daycare center is also located across the street. The most recent business to occupy 424 Newhall Street was Ebony Lounge which held Liquor Permit LCA.5113. Ebony Lounge had a negative history with the local police department and was a source of problems for the community. The current applicant, Christopher Taylor, was not involved with Ebony Lounge in any way. He is aware of the problems associated with Ebony Lounge and he seeks to operate a café catering to a more mature clientele. He intends to impose a conservative dress code and offer jazz and old-school R&B music to attract older, more responsible patrons. Mr. Taylor was raised in the area and is sensitive to the issues neighbors had with the prior premises. He feels his background in the state corrections system will be an asset to him in maintaining control over the behavior of patrons at this premises.

Remonstrants spoke at length about the unsatisfactory operation of the prior premises. They noted unruly behavior outside the prior premises including possible drug transactions, lewd behavior and excessive noise.

As the Liquor Control Commission has previously opined, unsavory business practices at a particular physical location operated by a previous owner cannot and do not render the location itself unsuitable. A troublesome history at a particular physical location while under different ownership should not be relevant to our consideration of a new liquor permit application submitted by

different owners. See, *In the Matter of Red's Café*, Docket No. 08-695, Tamechia R. Morgan, Permittee, issued July 3, 2008.

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). If issues arise while this premises is under Mr. Taylor's stewardship, we are certainly empowered to take enforcement action directed to his liquor permit, and we will do so if necessary.

Accordingly, we hereby deny the remonstrance and grant the final café liquor permit to Christopher Taylor and Devin's Lounge, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY:**

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

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Nonparties:

John Suchy, Director, Liquor Control Division
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