

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**In the Matter of**

Ninety 9 Bottles

Jill Dunn, Permittee

Sono Ale House LLC, Backer

Liquor Permit No. LIP.14595P

Case No. 2009-5563

Docket No. 10-50

March 4, 2010

**MEMORANDUM OF DECISION**

This matter involves an application for a package store liquor permit for Ninety 9 Bottles, 209 Liberty Square, Norwalk, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 21, 2010. Jill Dunn, permittee, and Richard Dunn, a member of the backer limited liability company, appeared. 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. A remonstrant appeared to oppose the granting of this permit. The premises is currently operating under a provisional package store liquor permit.

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. Ms. Dunn seeks to operate a specialty beer, wine and liquor shop targeting purchasers interested in craft beers and the micro beer market. The location is properly zoned for a package store and Agent Driffin confirmed that valid zoning approval is in place. Agent Driffin communicated with the Norwalk police department and determined that the Norwalk police department had no

concerns with the operation of this premises. There have not been any liquor referrals concerning operation of the package store while under a provisional permit. Agent Driffin found nothing questionable about the application, the applicant or the location.

The remonstrant owns a nearby store which holds a grocery beer liquor permit. His store is located one store away from the premises and he is concerned with possible detrimental economic effect on his business.

Based upon the testimony and documents presented at the hearing, we do not find substantial evidence to deny this permit application and we find the location to be suitable. It is the role of the Liquor Control Commission to determine suitability for liquor permits. The determination of factual matters with regard to the suitability of the location of proposed liquor permit premises is vested with the Liquor Control Commission, which has broad discretion. Crescimanni v. Department of Liquor Control, 41 Conn. App. 83, 674 A.2d 851 (1996). The final package store permit application is granted for this premises, pending any agent final requirements.

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION**

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Elisa A. Nahas, Esq.  
Designated Hearing Officer

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Angelo J. Faenza, Commissioner

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Stephen R. Somma, Commissioner

**Parties:**

**Jill Dunn, Permittee, Ninety 9 Bottles, 209 Liberty Square, Norwalk, CT 06855  
(Via US Mail and Certified Mail # 7007 2580 0000 7471 5226)**

**Arvind Darji, Agent for Remonstrants, 215 Liberty Square, Unit 1A, Norwalk, CT 06855  
(Via US Mail and Certified Mail # 7007 2680 0000 7471 5233)**

**Nonparties:**

**John Suchy, Director, Liquor Control Division**

**Connecticut Beverage Journal**

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