

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of
Farmington Package Store
Taiesha Welborn, Permittee
Farmington Package LLC, Backer
Liquor Permit No. LIP.14281
Case No. 2011-437

Docket No. 11-992
December 29, 2011

MEMORANDUM OF DECISION

This matter involves a removal application for the package store liquor permit of Farmington Package Store from 489 Farmington Avenue, Hartford, Connecticut, to 500 Farmington Avenue, Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on December 22, 2011. Taiesha Welborn, permittee and sole 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 place of business. The agent for the remonstrants was present with counsel; however, no resident remonstrants appeared at the hearing to testify in opposition to the removal of this permit. On October 13, 2011, the department approved the removal application on stipulation, and the premises has been operating at the new location, 500 Farmington Avenue, since October 25, 2011.

The following facts are found based upon evidence adduced at the hearing. Agent Richards conducted a thorough remonstrance investigation. The proposed location is in a plaza which is also occupied by Arrow Pharmacy, several restaurants,

a tuxedo store and a nail salon. Agent Richards found nothing questionable about the location and the local zoning authority and town clerk have approved the removal application. Agent Richards confirmed that the zoning approvals were intact. No one appeared at the hearing to testify in opposition to the removal application; however, based upon the remonstrance petition submitted, the stated concerns were regarding parking and increased traffic, the proximity of the Albano Ballet Company school, Arrow Pharmacy and Nutrition Center, Westway Manor Inc. and Fernwood Manor Rest Homes, and Noah Webster Microsociety Magnet elementary school to the premises. The applicant seeks to obtain final approval to move her package store literally across the street, from 489 to 500 Farmington Ave., Hartford, Connecticut.

Agent Richards visited the location on three occasions at different times of the day. She did not observe any youngsters who might be walking to Noah Webster School, 3/10th mile away. She did not observe any of the plaza's patrons encounter difficulty in locating a parking space. The Albano Ballet school has its own parking lot. She spoke with the owner of the ballet school, a signatory to the remonstrance, who was unaware that Farmington Package was the same store had been across the street and was merely relocating. Agent Richards found nothing questionable about the removal application or the location.

Based upon the evidence presented, we find that substantial evidence was not presented which would cause us to deny Ms. Welborn's removal 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 A2d 834 (1978).

Accordingly, based upon the foregoing, we hereby deny the remonstrance and grant the removal application of Taiesha Welborn and Farmington Package Store.

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

Elisa A. Nahas, Esq.
Designated Hearing Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Taiesha Welborn, Permittee, Farmington Package Store, 500 Farmington Avenue,
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Via US Mail and Certified Mail # 7010 1670 0000 0762 2454

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Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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