

STATE OF CONNECTICUT  
DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Capitol's Lounge  
Fernando Suarez, Permittee and Backer  
Liquor Permit No. LIT.1809P  
Case No. 2012-147

Docket No. 12-713  
October 11, 2012

MEMORANDUM OF DECISION

This matter involves a new application for a tavern liquor permit for Capitol's Lounge, 1044 Capitol Avenue, Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on September 20, 2012. Fernando Suarez, permittee and backer, 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 place of business. The premises is currently operating under a provisional liquor permit.

The following facts are found based upon evidence adduced at the hearing. Agent Kuria conducted both a new application investigation and a remonstrance investigation. He visited the location and found that it meets the requirements for a tavern permit. As part of his remonstrance investigation, Agent Kuria contacted officials at the City of Hartford requesting information concerning the zoning status of 1044 Capitol Avenue, Hartford. Don Chapman, Principal Planner, advised Agent Kuria by letter dated July 13, 2012, that Certificates of Occupancy have been issued continuously for a tavern at 1044 Capitol Avenue since 1966. He also advised Agent

Kuria that a Certificate of Occupancy issued before 1968 establishes a use's non-confirming rights and, as such, 1044 Capitol Avenue is exempt from the standard distance requirements.

Agent Kuria also wrote to the Hartford Police Department which provided him with a roster of calls for service at 1044 Capitol Avenue. No calls for service were noted between the time Mr. Suarez opened under a provisional permit and the date of Agent Kuria's report.

Agent Kuria met with the agent for the remonstrants, Ray Casavant, and also spoke with him both prior to and subsequent to their meeting. Remonstrants questioned the suitability of the location based on the negative history of prior permit holders at this location and based upon their assertion that this location was in violation of Hartford Zoning Regulations which set a 1500 foot distance requirement between liquor outlets. In view of the location's status as a non-confirming use, this is not an issue, however. Resident remonstrants testified as to their general concerns about an influx of new liquor related businesses in the neighborhood and their concerns that zoning requirements are not enforced. No one expressed specific issues with Mr. Suarez or his business.

Prior to Mr. Suarez acquiring the proposed premises, it had been closed for approximately three years and had fallen into disrepair. Mr. Suarez has invested considerable sums of money for interior and exterior repairs. He offers no live entertainment at this premises. He has obtained all necessary municipal approvals and has been operating under a provisional permit without incident.

Based upon the evidence presented, we do not find evidence which would cause us to deny Mr. Suarez's 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 final tavern liquor permit to Fernando Suarez and Capitol's Lounge.

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

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Elisa A. Nahas, Esq.  
Designated Hearing Officer

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Stephen R. Somma, Commissioner

**Parties:**

Fernando Suarez c/o Peter Odlum, Esq., Bayer, Odlum & Hyde, 250 Main Street, Hartford, CT 06106  
Ray Casavant, Agent for Remonstrants, Parkville Community Problem Solving, 11 New Park Avenue, Hartford, CT 06106

**Nonparties:**

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