

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

La Esquina de Pio Pio Restaurant
Francisco Uruchima, Permittee
XJ, LLC, Backer
Liquor Permit No. LRW.4774
Case No. 2011-1170

Docket No. 12-279
May 3, 2012

MEMORANDUM OF DECISION

This matter involves a renewal application for a restaurant wine and beer liquor permit for La Esquina de Pio Pio Restaurant, 1 Division Street, Danbury, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on April 12, 2012, at which time Francisco Uruchima, permittee, appeared with his consultant, Steven Hennessey. 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 location. Remonstrants appeared on behalf of the remonstrance to oppose the renewal application.

Based upon the evidence adduced at the hearing, we find the following facts: Special Agent Colla conducted a thorough investigation in connection with the remonstrance and conducted an on-site investigation. La Esquina de Pio Pio Restaurant is housed in a one-story building with both residences and a few small businesses nearby. Ecuadorian food is the restaurant's specialty. It is a one-room premises with no consumer or service bar; rather, alcohol is served to patrons from a cooler.

Remonstrants expressed concerns about loud noise emanating from the restaurant in the past, allegedly intoxicated people outside the premises, the hours of operation, trash, calls for police service to the location, the unkempt condition of the building, and a general concern that the restaurant did not fit in with the character of the Wooster Village area. A restaurant had previously occupied this location, and remonstrants testified they were not opposed to having a restaurant operate here; rather, they were concerned about the operation of this specific location.

Since the time the remonstrance was filed in October, 2011, it has been determined that Danbury zoning ordinances prohibit live entertainment, such as karaoke and bands, from being offered at La Esquina. Therefore, La Esquina del Pio Pio cannot offer live entertainment at this premises. Remonstrants testified there has not been a problem with loud noise over the past few months since the entertainment issue has been finalized.

Mr. Uruchima is aware of his neighbors' concerns and wishes to be a good neighbor to the nearby residents. He refuses to sell to intoxicated people and if patrons were to become unruly, will call the police to intervene. He picks up trash and bottles from the surrounding area. The graffiti issue has been addressed and the broken windows fixed. He will take care of the shrubbery and intends to plant and maintain flowers. Mr. Uruchima testified that he wants to be a good neighbor and keep everyone happy and is confident that he will be able to work out issues with his neighbors going forward.

Substantial evidence was not presented at this time which would cause us to deny Mr. Uruchima's renewal application. 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. Brown v. Liquor Control Commission, 176 Conn. 428, 407 A.2d 1020 (1973). Accordingly, we hereby deny the remonstrance and grant the renewal liquor application of Francisco Uruchima and La Esquina de Pio Pio Restaurant.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Francisco Uruchima, Permittee, La Esquina de Pio Pio Restaurant, 1 Division Street, Danbury, CT 06810
(Via US Mail and Certified Mail # 7011 2000 0001 0588 5884)
Francisco Uruchima, 20 Lincoln Avenue, Danbury, CT 06810-7909
Russell Newbold, Agent for Remonstrants, 60 West Wooster Street, Danbury, CT 06810
(Via US Mail and Certified Mail # 7011 2000 0001 0588 5877)

Nonparties:

John Suchy, Director, Liquor Control Division
Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden, CT 06518
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106