

STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

In the Matter of
McGuire's Ale House
Shaun Fuller, Permittee
130 Mt. Pleasant Tavern LLC, Backer
Liquor Permit No. LCA.7323P
Case No. 2011-902

Docket No. 12-174
March 29, 2012

MEMORANDUM OF DECISION

This matter involves a new application for a café liquor permit for McGuire's Ale House, 130 Mt. Pleasant Road, Newtown, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on March 15, 2012. Shaun Fuller, applicant, and Michael Higgins, 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 premises is currently operating under a provisional liquor permit.

The following facts are found based upon evidence adduced at the hearing. Agent Wilson conducted both a new application investigation and a remonstrance investigation. She visited the location on two occasions and found nothing questionable about the new application. The location meets the legal requirements for a café permit. The Newtown Zoning Enforcement Officer has approved the new application and the application for a patio permit. There will not be a bar on the patio; service of alcohol on the patio will be by wait staff only. Live music is not permitted on the patio under the Newtown zoning regulations.

Agent Wilson also conducted an in-depth remonstrance investigation. Resident remonstrants did not appear to testify in opposition to the granting of this permit, however notarized statements from three Newtown residents were made part of the record. Remonstrants expressed concern about their negative experiences with the prior permit holder, specifically the loud music and patrons' unruly behavior in the parking lots which adversely affected the neighbors' quality of life.

The most recent business to occupy 130 Mt. Pleasant Road was Hot Shots Sports Pub which held Liquor Permit LCA.6659. Hot Shots had an unfavorable history with the local police department and was a source of problems for its neighbors. The current applicant, Shaun Fuller, was not involved with Hot Shots in any way. Mr. Fuller and his partner have extensive experience in the restaurant industry and seek to make McGuire's Ale House a family-oriented "town tavern." They have become involved in the community. They have made substantial renovations to the premises, and their goal is to become a destination for residents of Newtown and the surrounding area.

Based upon the evidence presented, we do not find evidence which would cause us to deny Mr. Fuller'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 café liquor permit to Shaun Fuller and McGuire's Ale House.

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

Elisa A. Nahas, Esq.
Designated Hearing Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Shaun Fuller, 231 Sprain Road, Yonkers, NY 10710-4305
Janet McKeown, Agent for Remonstrants, 10 Hillcrest Drive, Newtown, CT 06470
(Via US Mail and Certified Mail #7011 2000 0001 0588 5358)

Nonparties:

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