

STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Los Imperios
Ernesto B. Leon, Permittee
Los Imperios LLC, Backer
Liquor Permit No. LIR.19138P

Case 2014-1210
Docket No. 2015-514
August 20, 2015

MEMORANDUM OF DECISION

This matter involves a new application for a restaurant liquor permit for Los Imperios, 904 Farmington Avenue, West Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on August 6, 2015. Ernesto B. Leon, permittee and member of the backer limited liability company, 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. Remonstrants appeared to testify in opposition to the granting of this permit. This premises is currently operating under the auspices of a provisional permit. At the conclusion of the hearing, the record was left open until August 13, 2015, for the submission of additional documents.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Richards investigated both the new application and the remonstrance. She visited the location five times, including one night observation when she was accompanied by Special Agent Boucher, who entered undercover at approximately 10:45 p.m. Special Agent Boucher was offered a food menu from which to select food and he did not observe any minors or intoxicated persons inside.

Agent Richards spoke with the agent for the remonstrants as well as the applicant. The remonstrance was filed in December 2014 due to the remonstrants' concerns that the prior permit holder, Aaron Sarwar, was involved in the operation of Los Imperios. The prior permit at the location, known as Shish, became inactive in November 2014. In the course of her investigation, Agent Richards found, in fact, that Mr. Sarwar has no involvement or ownership interest in the current permit, Los Imperios. Agent Richards found that there was nothing questionable about the new application and the premises meets the legal requirements for a restaurant permit.

The remonstrants expressed their concerns that Los Imperios would turn into more of a nightclub or nightlife environment than a restaurant and raised their issues with Shish. Since the issuance of the provisional permit for Los Imperios there have been no violations of the Liquor Control Act. The location is properly zoned for a restaurant liquor permit. There is additional parking available to its patrons, which was not previously available with Shish. Mr. Leon offers Peruvian food at his restaurant. He is a "hands-on" owner and assists his door security staff to ensure his standards are enforced. He is attuned to the town's concerns and wishes to cooperate.

Substantial evidence was not presented by the remonstrants which would cause us to deny Mr. Leon's 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 final restaurant liquor application of Ernesto Leon and Los Imperios.

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

Elisa A. Nahas, Esq.
Designated Hearing Officer

David A. Scribner, Commissioner

Parties:

Joan McNulty, Agent for Remonstrants, 887 Farmington Avenue, West Hartford, CT 06119

(By US Mail and Certified Mail # 7011 1570 0001 8541 0881)

Ernesto B. Leon, Permittee, Los Imperios, 904 Farmington Avenue, West Hartford, CT 06107

(By US Mail and Certified Mail # 7011 1570 0001 8541 0904)

Lawrence S. Brick, Esq., 433 South Main Street, Suite 308, West Hartford, CT 06110

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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