

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Webster Lake Variety
Sanat D. Patel, Permittee
Webster lake Variety, Inc., Backer
Permit No. LGB.14993P
Case No. 2014-885

Docket No. 15-85
February 17, 2015

MEMORANDUM OF DECISION

This matter involves a new application for grocery beer liquor permit for Webster Lake Variety, 1394 Thompson Road, Thompson, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection, Liquor Control Commission, on February 5, 2015. 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 applicant and the location. Sanat D. Patel, applicant and president of the backer corporation, appeared with his liquor consultant, Raymond Ragaini. The agent for the remonstrants, Roland Fitts, Jr., and a resident remonstrant appeared to oppose the application. At the conclusion of the hearing, the record was left open until February 6, 2015, to allow an opportunity for the remonstrants to obtain information from the Thompson zoning department concerning the validity of the zoning approval for this application.

Based upon the evidence adduced at the hearing, we find the following facts: Liquor Control Agent Wallett reviewed the pending grocery store beer application and found it to be in order. He conducted a new application investigation and made

an on-site inspection. The proposed premises is in a free-standing building located on a two-lane state road. Agent Wallett found nothing questionable about the applicant, the location or this application. It meets all of the requirements for a grocery store beer permit and is currently operating under the auspices of a provisional permit.

Remonstrants expressed concerns that the proposed location is on a busy road near a hospital, alleged that this location sells cigarettes to minors and speculated that it will do so with alcohol, noted the proximity of a another store holding grocery beer permit nearby, expressed a general concern for public safety with respect to the safety of the road, and alleged a violation of zoning regulations.

Sec. 30-46(a) of the Connecticut General Statutes provides, in relevant part, that

The Department of Consumer Protection may, *except as to a store engaged chiefly in the sale of groceries*, in its discretion, suspend, revoke or refuse to grant or renew a permit for the sale of alcoholic liquor if it has reasonable cause to believe: (1) That the proximity of the permit premises will have a detrimental effect upon any ... hospital ... ; (3) that the number of permit premises in the locality is such that the granting of a permit is detrimental to the public interest ... (Emphasis added)

As such, we will not address those two issues.

As to any alleged unlawful conduct by the applicant or his customers and road safety issues, there have been no calls for service whatsoever by the Connecticut State Police to Webster Lake Variety for any reason. We note that Webster Lake Variety has been operating under a provisional permit for some time and there have been no alleged violations.

As to any question of the suitability of Mr. Patel to hold a grocery beer liquor permit, a criminal background check of the applicant was conducted by the investigating liquor control agent and it yielded no negative results.

The original application was approved by Mary Ann Chinatti, Director of Planning and Development and Interim Zoning Enforcement Officer, on June 27, 2014. By letter dated February 6, 2015, Alvan R. Hill, Interim Zoning Enforcement Officer confirmed that there "are no outstanding zoning issues with Webster Lake Variety Store to date."


Based upon the substantial evidence presented, we find the location and the applicant to be suitable for a grocery beer liquor permit. 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 grant the final grocery beer liquor permit to Sanat D. Patel and Webster Lake Variety and deny the remonstrance.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY: 

Elisa A. Nahas, Esq.
Designated Presiding Officer


David A. Scribner, Commissioner

Parties:

Sanat D. Patel, Permittee, Webster Lake Variety, 1394 Thompson Road, Thompson, CT 06277

(Via US Mail and Certified Mail # 7012 2920 0000 4559 5045)

Sanat D. Patel, 112 Autumn Circle, Holden, MA 01520

Roland Fitts Jr., Agent for Remonstrants, 1213 Thompson Road, Thompson, CT
06277
(Via US Mail and Certified Mail # 7012 2920 0000 4562 5995)

Non-Parties:

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