

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

West Side 2 Pint o
Scott F. Nadeau, Permittee
West Side 2 Pint o LLC, Backer
Docket No. 16-200
Permit No. LIR.19240P

Case No. 2015-1005
April 21, 2016

MEMORANDUM OF DECISION

This matter involves a provisional restaurant liquor permit issued to West Side 2 Pint o, 883 Whalley Avenue, New Haven, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on February 18, 2016. Despite proper notice, the respondent failed to appear.

The following charges are alleged against the respondent. It is alleged that on September 11, 2015, the respondent violated: (1) Sec. 30-22(f) of the Connecticut General Statutes, in two counts, by failing to have an operating kitchen and failing to regularly serve hot meals; (2) Sec. 30-76 of the Connecticut General Statutes and (3) Sec. 30-6-A41(a) of the Regulations of Connecticut State Agencies by purchasing alcohol at a retail package store for resale at this restaurant premises.

This hearing was originally scheduled to be held on February 4, 2016, but was continued to February 18, 2016, to allow the applicant an opportunity to amend his application and seek a café liquor permit rather than a restaurant liquor permit. Such amended application was not received by the department.

We find the following facts. Liquor Control Agent Driffin was assigned this new application. She conducted an on-site inspection on June 15, 2015. She

observed that there was no functioning kitchen at the premises and no food available for patrons.

On September 11, 2015, Supervising Agent Burk and Special Agent Vaughn conducted a special investigation at the premises which was operating under the auspices of a provisional liquor permit. The special investigation was conducted in response to a complaint that the premises was selling alcohol to minors and refilling bottles which had previously contained alcohol. During their investigation they found no minors and no evidence of refilling. However, Supervisor Burk and Special Agent Vaughn observed that no food whatsoever was available on the premises. They observed a large kitchen area which was in disarray and not operational.

Supervisor Burk and Special Agent Vaughn located a 1.75 liter bottle of Jamison's and a 1.75 liter bottle of Vodka in a bag in the kitchen area. The permittee advised the agents that he had purchased the alcohol at a package store and brought it into the restaurant.

Based on the testimony and documents provided, we find the respondent in violation of the charges alleged. Further, we do not find that this location operates as a bona fide restaurant within the meaning of Sec. 30-20(f), Connecticut General Statutes. Accordingly, the Department of Consumer Protection DENIES the pending application for a restaurant liquor permit for failure to qualify with the requirements set forth in Sec. 30-20(f). However, we will STAY such denial until April 25, 2016, to afford the Respondent an opportunity to withdraw his application. If the application is not withdrawn by April 25, 2016, the application will be denied. We note that the provisional

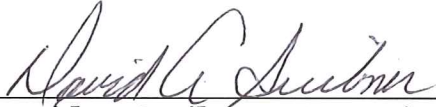
permit currently in effect with expire on April 25, 2016, and cannot be further extended. *See*, Sec. 30-35b, Conn. Gen. Stat.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY



**Anne K. Stiber, Esq.
Designated Presiding Officer**



David A. Scribner, Commissioner

Parties:

(Via US Mail and Certified Mail, Return Receipt Requested)

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Heather K. Plude, 3 Allen Street, #1, Terryville, CT 06786-6300

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Non-Parties:

Director John Suchy, Liquor Control Division

Connecticut Beverage Journal

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106