

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Club Copa
Jeffrey Langan, Applicant
Mirage of CT, LLC, Backer
Liquor Permit No. LIR.17377
Docket No. 2008-038

January 17, 2008

MEMORANDUM OF DECISION

This matter involves a new application for a restaurant liquor permit for Club Copa, 99 Colony Street, Meriden, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on December 20, 2007, at which time Jeffrey Langan, the applicant and a shareholder and member of the backer limited liability company, and Walter Bartkiewicz, a shareholder 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 one legally sufficient remonstrance questioning the suitability of the proposed location, and Sec. 30-47(5) and Sec. 30-47(7), Connecticut General Statutes, questioning the suitability of Mr. Langan and Mr. Bartkiewicz to hold a liquor permit.

Based upon the evidence adduced at the hearing, we find the following facts: Liquor Control Agent Kyle Anderson conducted a thorough investigation of the new application, the remonstrance filed in opposition to the application, and the backgrounds of Jeffrey Langan and

Walter Bartkiewicz. As part of his new application and remonstrance investigation, Agent Anderson did an on-site inspection and spoke with Messrs. Langan and Bartkiewicz, both of whom he found to be “very cooperative”.

The proposed location qualifies for a restaurant liquor permit. It had been operated as a family-style restaurant with a liquor permit from approximately 1958 until 2003. The proposed premises has zoning approval and adequate parking. The building is approximately 17,000 square feet, and the applicant and backer propose to utilize approximately 8,500 square feet of space for the restaurant.

The resident remonstrant who appeared at the hearing to oppose the granting of this permit was the Assistant Director of the Boys & Girls Club of Meriden. The Assistant Director expressed his opposition to a nightclub-type establishment being operated at that location in view of the youth activities at the Club. He testified he would not object to a “restaurant with a bar” being operated at 99 Colony Street. The Boys & Girls Club is located across the street and its entrance is on Brooks St., around the corner from the proposed premises

There was discussion at the hearing regarding concerns with previous permits held by Mr. Langan or Mr. Bartkiwicz. The facts reveal the following liquor permit history with the department: Walter Bartkiewicz was permittee and sole owner of the limited liability company backer for Escape, in Southington, which held a restaurant liquor permit

from 2000-2001, when it closed. There was no disciplinary action taken concerning Escape's liquor permit. Jeffrey Langan was the permittee and Walter Bartkiewicz was the sole owner of the limited liability company backer of Impact, in New Haven, which held a cafe liquor permit from 2001-2002, when it closed. There was no disciplinary action taken concerning Impact's liquor permit. The most recent liquor permit held by either Mr. Langan or Mr. Bartkiewicz was Club 290 in Plainville. Jeffrey Langan was the permittee and sole owner of the limited liability company backer of Club 290, which held a cafe liquor permit from 2004-2006, when it closed. There was disciplinary action taken concerning Club 290's liquor permit; specifically, a formal hearing was held in July 2005 and a suspension was imposed for two sales of alcohol to minors in September 2004. When the Club 290 permit was cancelled by Mr. Langan in 2006, there were "charges pending", which were not adjudicated. There was also testimony that Mr. Bartkiewicz had operated a liquor establishment in Wethersfield in 1994-1995 and testimony that the prior permit premises generated problems including unruly patrons, disturbances and an increased strain upon the municipal services. In particular, the witnesses' opposition focused on the operation of Club 290, which was also discussed by the United States District Court in *290 Farmington Avenue, LLC, et al v. Town of Plainville, et al*, --- F.Supp.2d---, 2007 WL 1246437 (D.Conn).

Agent Anderson performed a criminal background check of Messrs. Langan and Bartkiewicz. Neither has been convicted of a felony, has had a prior liquor permit application denied or a prior liquor permit revoked.

The landlord spoke on behalf of the proposed application and applicants, and is aware of the previous liquor permit issues. The applicants intend to offer full scale restaurant-style food, as is required for a restaurant liquor permit, offering brunch on weekends. They intend to have a "happy hour" venue on Thursdays and Fridays beginning at about 4:00 p.m. and a night venue on Fridays and Saturdays, as well as larger functions such as weddings. They have invested \$35,000 in kitchen equipment and the name of the location has been changed to Copacabana in an effort to draw a less unruly clientele. While operating Club 290, Mr. Langan expended approximately \$2,000 per month on off-duty police security and expects to utilize off-duty police at Copacabana as well. The applicants acknowledged the problematic issues with the clientele at Club 290, and testified that they will be more selective at this location in order to avoid similar occurrences.

Based upon the testimony and documents presented at the hearing, we cannot find substantial evidence to deny this application for a restaurant liquor permit at this time. We are hopeful that Messrs. Langan and Bartkiewicz will operate the restaurant in the manner in which they have testified they intend to. We caution the applicant and

backer that Sec. 30-39(c) of the Connecticut General Statutes permits a remonstrance to be filed upon the renewal of any liquor permit should the operation of the business so warrant, and it is in everyone's best interest for business owners to cooperate with their communities and regulatory authorities. Certainly, if problems develop with this premises in the future, we will take appropriate enforcement action at that time.

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. Crescimanni v. Department of Liquor Control, 41 Conn. App. 83, 674 A.2d 851 (1996). Therefore, based upon the foregoing, we grant the final restaurant liquor permit application to Jeffrey Langan and Club Copa, subject to the agent's requirements, and hereby dismiss the remonstrance.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

Elisa A. Nahas, Esq.
Presiding Officer

Angelo J. Faenza, Commissioner

Gary Berner, Commissioner

Parties:

Jeffrey Langan c/o Ronald J. Loricco, Sr., Esq., LoRicco, Trotta & Loricco, 216 Crown Street, Suite 502, New Haven, CT 06510
Don Maleto, Agent for Remonstrants, Meriden Boys & Girls Club, Inc., 15 Lincoln Street, Meriden, CT 06451

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

Deborah L. Moore, Esq., City of Meriden Dept. of Law, 142 East Main
Street, Meriden CT 06450-8022