

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

M&R Liquors
William P. LaBruna, Permittee
M&R Liquors, Inc., Backer
Liquor Permit No. LIP.12024
Case No. 2008-593

Docket No. 08-552
June 3, 2008

MEMORANDUM OF DECISION

This matter involves a removal application for a package store liquor permit for M&R Liquors from 1069 Burnside Avenue, East Hartford, Connecticut to 206 Buckland Road, South Windsor, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on May 29, 2008. Gary Rounseville appeared on behalf of the backer 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 proposed place of business.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Richards reviewed the removal application and found it to be in order. The proposed location has not yet been fully constructed and is located on a busy road adjacent to Buckland Hills Mall. The Evergreen Walk shopping center and other stores are nearby. Agent Richards thoroughly investigated each of the remonstrants' concerns. Joy O'Connor, the Zoning Enforcement Officer, approved the application. As part of her remonstrance investigation, Agent Richards met with Ms. O'Connor and confirmed that a

package store was a permitted use and was properly zoned. Agent Richards found nothing questionable about this application.

The agent for the remonstrants appeared at the hearing and reiterated her concerns about the proximity of a package store to a church where her son sometimes attends youth programs and expressed a desire to ensure that the appropriate processes are followed since this package store is the first commercial development on the even numbered side of Buckland Road. Agent Richards also spoke with Pastor Milky of the Messiah Lutheran Church who had no concerns about a package store being operated near his church. No other residents or witnesses appeared to oppose the issuance of the permit.

Based upon the testimony and documents submitted at the hearing, we do not find substantial evidence which would cause us to deny Mr. LaBruna's removal 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 A.2d 834 (1978).

Accordingly, we hereby deny the remonstrance and grant the removal application of William P. LaBruna and M&R Liquors.

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

Elisa A. Nahas, Esq.
Presiding Officer

Angelo J. Faenza, Commissioner

Parties:

William P. LaBruna, Permittee, M&R Liquors, 1069 Burnside Avenue, East Hartford, CT 06108

(Via US Mail and Certified Mail # 7007 2680 0000 70472 4228)

Melissa M. Frank, Agent for Remonstrants, 130 Scott Drive, South Windsor, CT 06074

(Via US Mail and Certified Mail # 7007 2680 0000 7472 4136)

William P. LaBruna c/o Attorney Jennifer Owens, Brown, Paindiris & Scott, 2252 Main Street, Glastonbury, CT 06033

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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