

STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Wafu Asian Bistro
3671 Post Road
Southport, CT 06890
Raymond P. Ragaini, Permittee
Kan Hong, Inc., Backer
Permit No. LIR.18607

June 21, 2022

SUMMARY SUSPENSION ORDER

This premises operates under a restaurant liquor permit issued by the Department of Consumer Protection (“DCP”). It operates under the trade name “Wafu Asian Bistro,” and is known by the names “Wafu” and “Sin City.” The permit was issued by DCP on September 4, 2012, and the current permit is set to expire on January 3, 2023. We must note that on December 15, 2021, there was a corporate structure change in the backer entity and Raymond P. Ragaini was named as permittee.

We find that on June 19, 2022, Wafu was the scene of a large party, brawl, and shooting during which approximately ten rounds were fired and at least one person was shot. This incident closely follows other numerous instances of dangerous and unlawful conduct requiring police and DCP involvement: police responded to reports of an assaulted patron on June 18, 2022; DCP Liquor Control Agents identified ten minors being served alcohol in the premise on March 31, 2022; the fire marshal had to shut the premise due to it being over capacity on March 17, 2022; a bouncer unlawfully pepper sprayed six patrons without cause on February 11, 2022; and numerous local colleges and residents have complained to police about the general conduct of the premise.

Specifically, in a letter to DCP received June 20, 2022, Fairfield Chief of Police Robert Kalamaras states that on June 19, 2022 at approximately 12:15 a.m., Fairfield police responded to a report of shots fired. As officers arrived, they noted several vehicles and patrons fleeing the area. Officers learned that a gunshot victim was at Bridgeport Hospital. The victim had been shot completely through his left arm and the bullet was lodged in his left side. The victim was uncooperative with the police, and detectives soon learned that none of the cameras inside the premise were operable. However, detectives discovered a large party that had been hyped by a promoter was occurring inside the premise. A dispute and physical altercation began, leading to shots fired inside the premise. Detectives located a bullet hole in the backsplash of the bar at head level to seated patrons. Once shots were fired, patrons began to flee. The shooting continued outside the premise and gunfire was exchanged in the parking lot. A vehicle and adjoining business were struck by bullets. Detectives concluded at least ten total rounds were fired.

Chief Kalamaras also described numerous instances of police and fire marshal involvement at the premise. Specifically, Fairfield police responded to Wafu the night before the shooting for reports of a person bleeding from the mouth. Police located the subject in the passenger side of a vehicle being operated without headlights; the subject was highly intoxicated and had been seriously assaulted. The driver was arrested for driving under the influence. Chief Kalamaras also noted an incident during which

a bouncer pepper sprayed six patrons. The video footage from the bouncer's body camera demonstrated that he was "unjustified" in his use of pepper spray and the police have submitted a warrant for assorted assault and endangerment charges. Additionally, on at least one instance, Chief Kalamaras noted the premise was packed over capacity and the fire marshal evacuated all patrons.

Moreover, Chief Kalamaras emphasized the numerous quality of life complaints that his force has received about the activity occurring at Wafu. Both Fairfield University and Sacred Heart University have complained about the "regular college night events" that draw numerous students, and report that many underage students return to campus intoxicated. Video and other complaints highlight that the restaurant is operated more akin to a club – and sometimes more akin to a gentleman's club – with promoters publicizing parties and DJs to draw large youth crowds. The police have issued numerous citations to patrons for creating public disturbances.

As Chief Kalamaras summarized: "This establishment poses an immediate danger to its customers, vehicular traffic, and the public. . . . Regardless of our enforcement and our investigative efforts to address the quality of life issues that the Wafu Asian Bistro has created, they have failed to take steps to comply The business owners' failure to comply with laws and regulations has resulted in a shooting and serious physical injury to a patron, which could have resulted in a homicide."

A review of DCP records show a recent pattern in sale to minor violations:

- On October 28, 2021, DCP Liquor Control Agents conducted a compliance check of the premise with the assistance of Fairfield police. The police provided an eighteen year old and nineteen year old minor to assist with the check. One minor was served a margarita and the other was served wine by a server. As a result of the subsequent enforcement case with DCP, the premise paid a \$1,950 civil penalty and served a three-day suspension.
- On March 31, 2022, DCP Liquor Control Agents conducted a special investigation of the premise with the assistance of Fairfield police. Undercover officers observed ten minors purchase alcoholic beverages. The age and identification of these minors were later verified by police and agents. The enforcement case is still pending with DCP.

These cases cumulatively demonstrate that routine enforcement deterrents have little apparent impact, as the scope and scale of sale to minors has only increased over a five-month time period. It should additionally be noted that the most egregious sale to minor cases and all the police incidents noted above happened after the new permittee was named in December 2021.

We find that the June 19, 2022 shooting that resulted in an injury, in conjunction with DCP's sale to minor investigations and the other incidents of violence and quality of life concerns as noted by police, demonstrates that the premise is operated in a manner that imperils public safety and highlights the need for better control of the premise by the permittee, backer, or their agents.

Based upon the foregoing, DCP finds that public health, safety and welfare imperatively requires emergency action, in accordance with section 4-182 (c) of the Connecticut General Statutes, and **ORDERS** your restaurant liquor permit **suspended immediately** pending proceedings for revocation or other action.

[REMAINDER LEFT INTENTIONALLY BLANK]

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A handwritten signature in blue ink that reads "Michelle Seagull". The signature is written in a cursive style with a horizontal line underneath it.

Michelle Seagull
Commissioner of Consumer Protection
Chairperson, Liquor Control Commission